

Guide

Ontario's Transit Project Assessment Process

Legislative Authority:

Environmental Assessment Act, RSO 1990, Chapter E.18

March 2009



This guide is intended for information purposes only. It should not be used as a substitute for the *Environmental Assessment Act* or any of its regulations. In the event of any inconsistency between this guide and the act or regulations, the latter prevail.

Readers should check the Ministry of the Environment's website or call the Environmental Assessment and Approvals Branch to find out if there have been any revisions.

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Any comments, suggestions for revision or clarification are welcomed and should be sent to the Director of the Environmental Assessment and Approvals Branch at the address listed above.

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Glossary

Ontario Regulation 231/08, Transit Projects and Greater Toronto Transportation Authority Undertakings (Transit Projects Regulation) contains definitions of relevant terms. The following are additional terms used in this guide. To understand these terms completely, the Ministry of the Environment recommends that both the terms identified in here and in the legislation be consulted. In all cases, the wording contained in the *Environmental Assessment Act* and Ontario Regulation 231/08 shall prevail.

Agency

Canadian Environmental Assessment Agency.

Branch

Environmental Assessment and Approvals Branch, Ministry of the Environment.

Commitment

Represents a guarantee from a proponent about a certain course of action, that is, "I will do this, at this time, in this way." A proponent acknowledges these guarantees by documenting obligations and responsibilities, which it agrees to follow, in its Environmental Project Report. The commitments described in the Environmental Project Report, Revised Environmental Project Report or Environmental Project Report Addendum are legally binding.

Director^{*}

Director of the Environmental Assessment and Approvals Branch, Ministry of the Environment.

Expert federal authority

A federal authority that has specialist or expert information or knowledge with respect to a project that can be provided to a responsible authority, mediator or panel during an environmental assessment, including expertise on the implementation of mitigation measures and any follow-up program.

^{*} An asterisk (*) beside a defined term indicates that the term is defined in the *Environmental Assessment Act* or Ontario Regulation 231/08.

Federal authority

A federal authority is defined under the *Canadian Environmental Assessment Act* to mean:

- (a) A Minister of the Crown in right of Canada;
- (b) An agency or other body of the federal government ultimately accountable to Parliament through a federal Minister of the Crown;
- (c) Any department or departmental corporation set out in Schedule I or II of the *Financial Administration Act*; or,
- (d) Any other body that is prescribed pursuant to regulation under the *Canadian Environmental Assessment Act*.

“Individual” environmental assessment

A term used to describe the application for and the process of seeking approval under Part II of the *Environmental Assessment Act*.

Minister*

Minister of the Environment.

Ministry*

Ministry of the Environment.

Proponent

A person who carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking.

Regional Director

Director of one of the five regional offices of the Ministry of the Environment.

Regulatory agency

Government ministries, agencies, authorities, or departments (federal; provincial, including local conservation authorities; and, municipal, including local boards of health) who may have an interest, participate and contribute to the review of documentation prepared by the proponent for a transit project by providing comments based on their mandate.

Responsible authority

In accordance with the *Canadian Environmental Assessment Act* and in relation to a project, a federal authority that is required to ensure that an environmental assessment of a project is conducted.

Transit project^{*}

A transit project is defined as an undertaking consisting of:

- (a) An enterprise or activity that is the planning, designing, establishing, constructing, operating, changing or retiring of a facility or service that, aside from any incidental use for walking, bicycling or other means of transporting people by human power, is used exclusively for the transportation of passengers by bus or rail, or anything that is ancillary to a facility or service that is used to support or facilitate the transportation of passengers by bus or rail; or,
- (b) A proposal, plan or program in respect of an enterprise or activity described in clause (a) above.

Transit project assessment process^{*}

The transit project assessment process is defined in sections 6 through 17 in Ontario Regulation 231/08. It consists of various steps and requirements. It is a focused impact assessment process that includes consultation, an assessment of potential positive and negative impacts, an assessment of measures to mitigate negative impacts, and documentation.

Trigger

Circumstances that oblige a prescribed body or a federal authority to ensure that an environmental assessment is conducted under the *Canadian Environmental Assessment Act* or its regulations. The circumstances under which a federal authority must ensure that an environmental assessment is conducted under *Canadian Environmental Assessment Act* occur when a federal authority has a specified decision-making responsibility in relation to a project, specifically when a federal authority is the proponent of a project; provides financial assistance to the proponent; makes federal lands available for the project; or, issues certain permits or licences, or other approvals.

^{*} An asterisk (*) beside a defined term indicates that the term is defined in the *Environmental Assessment Act* or Ontario Regulation 231/08.

1. Introduction

This guide has been developed for proponents of public transit projects and the public. This guide highlights the key features of Ontario Regulation 231/08, Transit Projects and Greater Toronto Transportation Authority Undertakings (Transit Projects Regulation) and outlines the Ministry of the Environment's (ministry) expectations. This guide will also help the public and other interested persons understand how they can get involved.

The Transit Projects Regulation exempts proponents of all public transit projects from the requirements under Part II of the *Environmental Assessment Act*, and creates a process that certain projects must follow in order to be exempt.

Proponents of certain classes of projects must follow the "transit project assessment process" outlined in the regulation.

The transit project assessment process is a proponent-driven, self-assessment process and does not require that a transit project be approved by the Minister of the Environment (Minister) before proceeding.

Proponents must complete the prescribed steps of the transit project assessment process within specified time frames. The process allows for an assessment of potential environmental impacts to be completed within six months.

Timelines apply to both proponents and the Minister of the Environment.

The timelines specified in the regulation are in calendar days.

Where a time limit ends on a Saturday, the time limit is extended to include the next calendar day that is not a Sunday or statutory holiday.

Nonetheless, proponents should continue to carry out recognized best practices in the field of environmental assessment when planning and determining the scale and scope of a transit project. Therefore, conducting good planning, basing proponent choices on sound scientific approaches and methods, and informing and involving the local community may take longer than six months. Using these best practices can make the transit project assessment process itself smoother once it commences.

The Transit Projects Regulation provides a framework for focused consultation and objection processes. This is a new process and differs from the traditional environmental assessment framework that has existed in Ontario for more than 30 years. This new process is intended to be focused so that the assessment of potential environmental effects and decision-making can be completed within six months.

The process starts with a selected transit project. The regulation does not require proponents to look at the rationale and planning alternatives or alternative solutions to public transit or the rationale and planning alternatives or alternative solutions to the particular transit project.

The Minister may give notice allowing a proponent to proceed with its transit project but can only take action if there is a potential for a negative impact on a ***matter of provincial importance that relates to the natural environment or has cultural heritage value or interest***, or on a constitutionally protected Aboriginal or treaty right. The words emphasized in bold and italics above have been shortened to “matter of provincial importance” throughout this document for ease of reference.

2. Main elements of the regulation

2.1 What types of projects are covered by the regulation?

Under the regulation, all public transit projects are exempt from the *Environmental Assessment Act*. The regulation includes a project schedule (refer to Schedule 1 in the regulation) that lists the classes of projects that are exempt, subject to meeting the conditions specified in the regulation.

The regulation defines a transit project as,

“an enterprise or activity that is the planning, designing, establishing, constructing, operating, changing or retiring of (i) facility or service that ... is used exclusively for the transportation of passengers by bus or rail, or (ii) anything that is ancillary to a facility or service ... and that is used to support or facilitate the transportation of passengers by bus or rail ...”

The inclusion of facilities or services such as sidewalks, crosswalks, designated lanes on roadways, etc. or active transportation options that provide people with non-motorized transportation options, such as walking, cycling, in-line skating, wheelchair movements, in a transit project does not preclude it from taking advantage of the exemption. Proponents should consider including these types of facilities in transit project planning and design.

If a transit project is not listed in the schedule of the regulation, it is exempt from any *Environmental Assessment Act* requirements and may proceed subject to any other required approvals.

To whom does the regulation apply?

Public sector proponents can take advantage of the exemption in the Transit Projects Regulation.

Since the *Environmental Assessment Act* does not apply to private sector proponents, the Transit Projects Regulation does not apply to them.

The regulation only applies to dedicated facilities or services that are used exclusively for transit.

For example, a light rail transit line or busway that is separated completely from general vehicular traffic would be eligible for the exemption, but the widening of a road to accommodate buses or an High Occupancy Vehicle designation would not be eligible if single-occupancy cars also used the road.

In the latter case, the proponent of such a project would be required to fulfil *Environmental Assessment Act* requirements.

Table 1 lists some examples of transit projects that are covered by the regulation, and transit projects that have no *Environmental Assessment Act* requirements.

It should be noted that proponents of transit projects are not required to use the six-month process if they choose to proceed through an "individual" environmental assessment (Part II of the *Environmental Assessment Act*) or an approved class environmental assessment process instead.

Table 1: Examples of some transit projects and their requirements

Transit Project Assessment Process	Exempt Activities ¹
<u>Transit Projects</u> ≈ Subways ≈ Light rail ≈ Heavy rail ≈ Reserved bus lanes ≈ New stations ≈ New maintenance facilities ≈ New storage facilities <u>Things Ancillary to Transit Projects</u> ≈ Landscaping ≈ Other streetscape treatments ≈ Parking lots	<u>Transit Projects</u> ≈ Resurfacing, rehabilitation to existing transit-related buildings and facilities, which may include: - Parking lots - Lighting - Facility surveillance systems ≈ Bus bays, bus stopping lanes, bus access lanes, shelters for bus stops ≈ Safety systems e.g. barriers, signs ≈ Signals, traffic control devices ≈ Temporary rail/bus service changes (e.g. for special events) on non-regular rail or bus routes

¹ These types of transit projects would be exempt from the *Environmental Assessment Act* only if they are not identified as ancillary to a transit project that is subject to the Transit Projects Regulation or is a change to transit project that has gone through the transit project assessment process.

2.2 “Time out” process

Once a proponent initiates the transit project assessment process, timelines will apply with respect to consultation, document completion, and the Minister’s authority to act. However, if certain issues arise during the 120-day consultation and documentation period and the proponent determines that working out these issues will compromise the six-month timeline, the proponent will have the option of “stopping the clock” to take a “time out” before continuing with the transit project assessment process.

Proponents can use the “time out” provision only when issues are associated with:

- A potential negative impact on a matter of provincial importance (refer to page 7, section 2.5 in this guide for further information).
- A potential negative impact on a constitutionally protected Aboriginal or treaty right.

In determining whether to use the “time out” provision, proponents should contact and consult with the appropriate persons listed in Schedule 2 of the regulation (e.g. regulatory agencies with a mandate relevant to the natural environment and/or to cultural heritage value or interest).

If a proponent proposes to take a “time out,” based on the considerations above, the proponent must provide a notice describing the issue to the Director and the Regional Director and post the notice on its website.

When the proponent is of the opinion that reasonable efforts have been made to deal with the issue, the proponent may resume the transit project assessment process by notifying the Director and the Regional Director.

“Time out” provisions

- ≈ Taking a “time out” for certain issues and the length of time to deal with concerns raised is at the sole discretion of the proponent.
- ≈ Proponent considers whether an issue fits the criteria in the regulation.
- ≈ A proponent cannot take a “time out” to deal with matters that are not contemplated by the regulation.
- ≈ A proponent cannot issue a Notice of Completion if it has taken a “time out” and it has not given a notice that it is resuming the process.

2.3 Objection process

If a person (members of the public, regulatory agencies, Aboriginal communities) has concerns about a transit project, objections to the transit project can be submitted to the Minister.

Persons wishing to submit an objection for the Minister to consider should provide the following information:

Objections to a transit project must be provided in writing and can only be submitted during the 30-day review period of a proponent’s Environmental Project Report.

Objections received after the 30-day objection period will not be considered by the Minister.

- Name, mailing address, organization, or affiliation (where applicable), daytime phone number, and e-mail address (where possible).
- Name and address of the proponent (individual or organization as appropriate), proponent contact name and phone number, proponent's agent/representative and phone number (where applicable).
- Brief description of the proponent's proposed undertaking, including the location.
- Basis for why further study is required, including any identification of negative impacts that relate to a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right that was not identified or considered in the proponent's Environmental Project Report.
- Summary of how the person(s) objecting to the transit project has participated and been involved in the proponent's consultation process (e.g. meetings, phone calls, notifications).

Interested persons have 30 days from the time a proponent gives Notice of Completion to review what a proponent has done and to submit objections to the Minister. To ensure that there is adequate time to consider objections, interested persons should also provide a copy of its objection to the Director and the proponent.

If an objection is submitted to the Minister during the 30-day review period, proponents will be given an opportunity to comment on the concerns raised in an objection(s) before the Minister acts. The proponent should consider providing any comments about the objection(s) to the ministry as soon as possible or in the time frame specified by the ministry. In providing comments to the ministry on an objection(s), the proponent should:

The ministry will forward a copy of the objection(s) for the proponent to consider. Proponents will be given less than one week to comment on the objection(s).

- Identify or extract and reference, the appropriate sections in the Environmental Project Report that are relevant to the objection (e.g. record of consultation, supporting documentation).
- Provide the ministry with relevant information, where such information is not identified or included with the Environmental Project Report (e.g. any information that may have been prepared before starting the transit project assessment process).

A person can withdraw their objection by providing the Minister written notice.

After the 30-day review period has ended, the Minister has 35 days within which certain authority may be exercised (see section 2.4, Minister's powers). A proponent may not proceed with the transit project before the end of the 35-day period unless the Minister gives a notice allowing the proponent to proceed.

2.4 Minister's powers

The regulation sets out the circumstances in which the Minister may exercise his/her discretion to act concerning a proposed transit project. Following the 30-day review period for an Environmental Project Report, the Minister will have 35 days to consider whether the transit project may have a negative impact on:

Under the Transit Projects Regulation, the Minister does not have the authority to either approve or refuse a transit project.

- A matter of provincial importance; or,
- A constitutionally protected Aboriginal or treaty right.

Before the Minister acts, the Minister is required to consider any objections that may have been submitted during the 30-day review period.

Whether there is an objection or not, if the Minister acts within the 35-day period, one of three notices may be issued to the proponent:

The Minister cannot act after the 35-day period has expired.

1. A notice to proceed with the transit project as planned in its Environmental Project Report;
2. A notice that requires the proponent to take further steps, which may include further study or consultation; or,
3. A notice allowing the proponent to proceed with the transit project subject to conditions.

If the Minister does not act within the 35-day period, the transit project may proceed as planned in the proponent's Environmental Project Report. However, it is expected that the Minister will exercise his/her discretion to act and will give a notice to a proponent for each transit project that follows the transit project assessment process.

The Minister may also terminate the proponent's transit project assessment process and require that either an environmental assessment or a class environmental assessment process be followed:

If the Minister is of the opinion that additional studies are required to consider the transit project further, in relation to a potential negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, the Minister may give a proponent a notice requiring that further steps be taken within a specified period.

- ≈ When the Minister is of the opinion that the Revised Environmental Project Report does not appropriately address the negative impact; or,
- ≈ When the Minister is of the opinion that the revised addendum to the Environmental Project Report does not appropriately address the negative impact.

If the Minister is of the opinion that conditions will appropriately address a potential negative impact on a matter of provincial importance or on a

constitutionally protected Aboriginal or treaty right, the Minister may give a proponent a notice to proceed, subject to conditions.

If the Minister gives a notice requiring that further steps be taken (e.g. conduct additional studies), the proponent must prepare a Revised Environmental Project Report and submit it to the Minister, with a copy to persons who may be specified in the notice, as well as post the Revised Environmental Project Report on its website within the specified time frame.

If, within 30 days after receiving the Revised Environmental Project Report the Minister is of the opinion that it still does not appropriately address negative impacts, the Minister can terminate the transit project assessment process and require the proponent to comply with Part II of the *Environmental Assessment Act* (i.e. prepare an environmental assessment, including a terms of reference) or to comply with an approved class environmental assessment before proceeding with the transit project.

If the Minister is of the opinion that the Revised Environmental Project Report has addressed the negative impacts, the Minister may give the proponent notice allowing it to proceed with the transit project according to the Revised Environmental Project Report.

2.5 Considering matters of provincial importance and constitutionally protected Aboriginal or treaty rights

Dealing with potential negative impacts on matters of provincial importance or on constitutionally protected Aboriginal or treaty rights during the transit project assessment process may occur at any point, but are particularly relevant in the following situations:

1. When a proponent is considering whether to take a “time out” during the 120-day consultation and documentation time frame.
2. When an interested person, including regulatory agencies, Aboriginal communities, property owners and other members of the public, is considering submitting an objection to a proposed transit project to the Minister.
3. If the Minister exercises his/her discretion to act on a proposed transit project.

In forming an opinion, the Minister may use Table 2 as a guide in considering whether a transit project could negatively impact a matter of provincial importance.

Remember, the term **matter of provincial importance** means the following phrase in its entirety:

“matter of provincial importance that relates to the natural environment or has cultural heritage value or interest.”

Please note that the list in Table 2 is not exhaustive. Proponents are expected to contact and consult with the appropriate persons listed in the regulation (e.g. regulatory agencies) to get information and guidance, including obtaining information on matters that may be considered provincially important or related to constitutionally protected Aboriginal or treaty rights. Information, specific requirements and guidance that proponents might receive from regulatory agencies may include a proponent being asked to conduct appropriate studies, consultation, etc. to find out whether a natural environment feature is significant or might be considered significant, or whether a property (or area or district) has cultural heritage value or interest.

Regulatory agencies may also identify acceptable measures the proponent may use to avoid, prevent, and/or mitigate potential negative environmental impacts. In this guide, section 3.4 (What types of studies would be required for a public transit project?) lists those studies that a proponent may be required to carry out in order for a regulatory agency to determine whether a matter is of provincial importance.

Table 2: Some matters that may be relevant in determining “provincial importance”²

Some matters that may be relevant in determining “provincial importance”
<ul style="list-style-type: none"> ≈ A park, conservation reserve or protected area ≈ Extirpated, endangered, threatened, or species of special concern and their habitat ≈ A wetland, woodland, habitat of wildlife or other natural heritage area (e.g. prairie) ≈ An area of natural or scientific interest (earth or life science) ≈ A stream, creek, river or lake containing fish and their habitats ≈ An area or region of surface water or groundwater or other important hydrological feature ≈ Areas that may be impacted by a known or suspected on- or off-site source of contamination such as a spill, a gasoline outlet, an open or closed landfill site, etc. ≈ Protected heritage property³ ≈ Built heritage resources³ ≈ Cultural heritage landscapes³ ≈ Archaeological resources and areas of potential archaeological interest³ ≈ An area designated as an escarpment natural area or an escarpment protection area by the Niagara Escarpment Plan under the <i>Niagara Escarpment Planning and Development Act</i> ≈ Property within an area designated as a natural core area or natural linkage area within the area to which the Oak Ridges Moraine Conservation Plan under the <i>Oak Ridges Moraine Conservation Act, 2001</i> applies ≈ Property within an area described as a key natural heritage feature or a key hydrologic feature in the Protected Countryside by the Greenbelt Plan under the <i>Greenbelt Act, 2005</i>

² Please note that the examples in Table 2 are not exhaustive. Proponents are expected to contact and consult with regulatory agencies and other persons as appropriate.

³ When dealing with any property of cultural heritage value or interest, “provincial importance” is not restricted to property meeting the criteria as set out under the *Ontario Heritage Act* in Ontario Regulation 10/06, Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance.

2.6 Addendum process

The regulation includes an addendum process (refer to section 15 in the regulation) for proponents to make changes to a transit project after the Statement of Completion for the transit project is submitted. This addendum process is intended to address the possibility that in implementing a transit project, certain modifications may have to be made that are inconsistent with the Environmental Project Report.

If a proponent wishes to make a change to a transit project that is inconsistent with its Environmental Project Report, the proponent must prepare an addendum to the Environmental Project Report. The addendum must contain the following information:

- A description of the change.
- The reasons for the change.
- The proponent's assessment and evaluation of any impacts that the change might have on the environment.
- A description of any proposed measures for mitigating any negative impacts that the change might have on the environment.
- A statement of whether the proponent is of the opinion that the change is significant (or not), and the reasons for the opinion.

If the proponent is of the opinion that the proposed change to the transit project is significant, the proponent must publish a Notice of Environmental Project Report Addendum in a local newspaper and post the notice on its website. The notice must also be provided to the Director, the Regional Director, every property owner within 30 metres of the site of the change, Aboriginal communities that were given a Notice of Commencement, and any other person who the proponent thinks may be interested in the change to the transit project.

The proponent should be careful in how it describes and defines its transit project.

For example, if the proponent has contemplated and assessed possible changes to the transit project and has documented these changes in its Environmental Project Report, the proponent may not be required to follow the addendum process because the changes would be consistent with its Environmental Project Report.

Do all changes require a Notice of Environmental Project Report Addendum?

All changes that are inconsistent with the Environmental Project Report require an addendum, but not all changes require a Notice of Environmental Project Report Addendum. If a proponent is of the opinion that the proposed change is not significant, the proponent must document the reasoning behind this opinion and keep a record of the addendum to the Environmental Project Report with its project file/documentation.

While not everyone has Internet access or the means to establish a project-specific website, providing the public with access to project-specific information on a website is considered a best practice.

The process and timelines for making objections and for the Minister to act with respect to the proposed change are essentially the same in the addendum process as in the process leading to the Notice of Completion.

Objections with respect to the significant change will be considered if the Minister decides to act in respect of the significant change. The Minister may act if the significant change may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right.

2.7 Lapse of time

Proponents will be required to conduct a review of the transit project if construction or installation has not begun within ten years from when the proponent was able to submit a Statement of Completion (refer to sections 14 and 16 in the regulation).

The review should consider changes that have taken place since the submission of the Statement of Completion. Changes may include new conditions in the study area, new engineering standards, or new technologies for mitigation measures.

If the proponent has not yet submitted its Statement of Completion, the proponent must conduct a review, at the earliest, ten years from when 65 days have passed after the Notice of Completion was first published.

If, after ten years no changes are required to the proposed transit project as described in the Environmental Project Report, the proponent should document its results of the review, including making this information available on the proponent's website.

Only significant changes identified through the review are eligible for objections.

Where changes to the project are identified through the review, the proponent may follow the addendum process as described in section 2.6 of this guide and as specified in section 15 of the regulation.

3. Transit project assessment process

3.1 What are the steps?

In a self-assessment process, the proponent must first determine whether the project is:

1. A transit project as defined in the regulation.
2. Listed in Schedule 1 of the regulation.

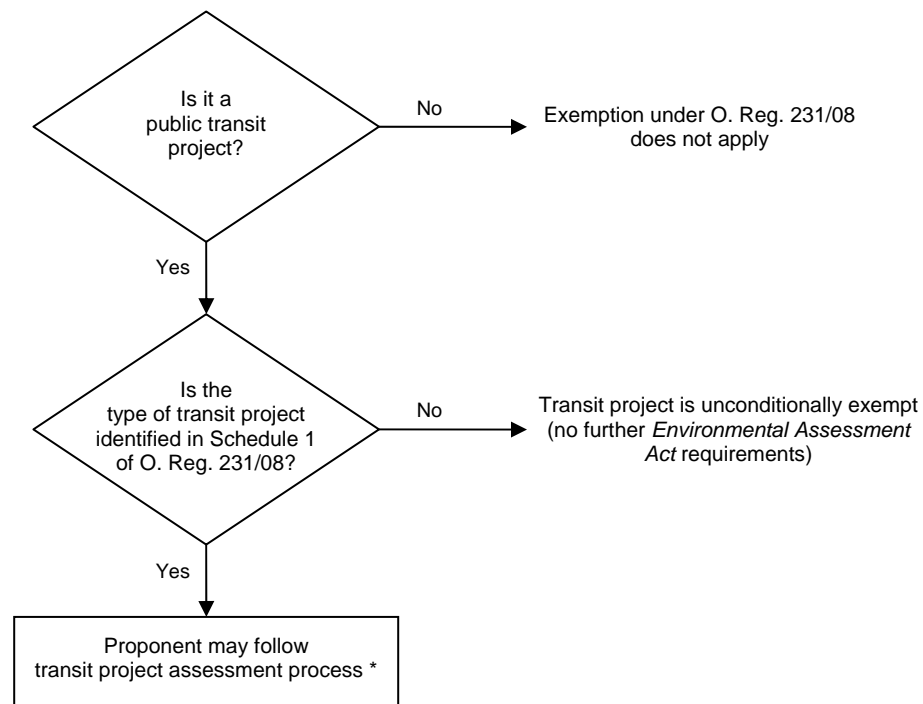
Proponents should contact the Environmental Assessment and Approvals Branch before distributing the Notice of Commencement and starting the time-limited transit project assessment process.

The key steps in the transit project assessment process are:

- Contact the Director for a list of bodies to contact and contact these bodies to help identify Aboriginal communities that may be interested in the transit project e.g. Ministry of Aboriginal Affairs, Indian and Northern Affairs Canada.
- Distribute Notice of Commencement (see page 19, section 3.2.2).
 - Notice distributed after proponent has determined the transit project with which it wants to proceed.
- Take up to 120 days to consult with interested persons, including regulatory agencies and Aboriginal communities and document the process (see page 20, section 3.2.3 and page 26, section 3.2.4).
 - Includes a “time out” provision with respect to potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right (see page 4, section 2.2).
- Publish a Notice of Completion of the Environmental Project Report (see page 28, section 3.2.5).
 - Notice must be published within 120 days of the Notice of Commencement.
- Provide 30 days for the public, regulatory agencies, Aboriginal communities, and other interested persons to review the Environmental Project Report (see page 28, section 3.2.5).
 - Objections may be submitted to the Minister (see page 4, section 2.3) during this period.
- 35 days for Minister to act (see page 6, section 2.4).

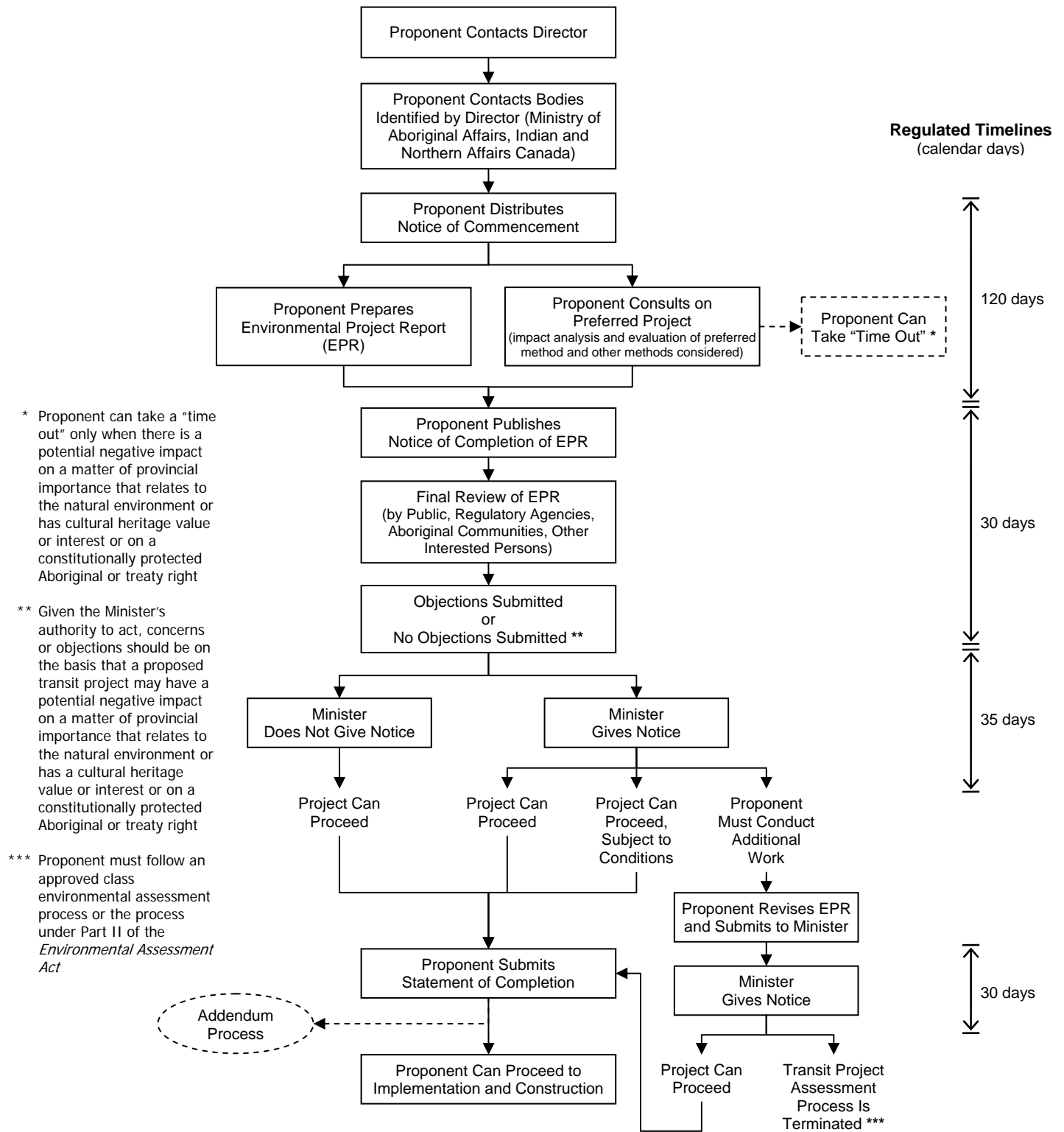
Figure 1 helps proponents consider whether a proposed project qualifies for the exemption (either conditional or unconditional) under the Transit Projects Regulation. Figure 2 illustrates the key steps in the transit project assessment process.

Figure 1: Determining when to follow the transit project assessment process



* Despite qualifying for the conditional exemption under O. Reg. 231/08, a proponent may choose to follow an approved class environmental assessment process or the process under Part II of the *Environmental Assessment Act*.

Figure 2: Outline of transit project assessment process



3.2 What is required in the transit project assessment process?

Proponents must comply with sections 6 to 17 of the regulation if they want to rely on the conditional exemption provided in the Transit Projects Regulation.

Because the transit project assessment process is a time-limited process and the exemption of a particular project depends on following the prescribed steps in the regulation and complying with the prescribed time limits, the ministry recommends that proponents are well prepared before starting the transit project assessment process. In this guide, section 4.1 (Pre-planning activities) contains additional guidance on methods that proponents should consider doing.

3.2.1 Who should be consulted?

When identifying with whom the proponent must consult, the proponent must contact, at a minimum:

- The Environmental Assessment and Approvals Branch (Branch).
- The appropriate regional office of the ministry.
- The list of bodies, pertaining to Aboriginal consultation, identified by the Director.
- Aboriginal communities (as identified by those bodies listed above).
- Property owners within 30 metres of the location of the transit project.
- Any other person, including regulatory agencies and other members of the public, that the proponent thinks may be interested in the transit project and must use Schedule 2 in the regulation as a guide when identifying other interested persons.

Proponents should contact the Branch to get guidance on appropriate regulatory agencies to notify. Proponents should also provide a list of persons who have been given the Notice of Commencement.

Table 3 is a reproduction of Schedule 2 of the regulation. Please note that wherever reference is made to the “Ministry of Municipal Affairs and Housing – Provincial Planning and Environmental Services Branch” in Schedule 2, contact should instead be made with “Ministry of Municipal Affairs and Housing – Local municipal services office.”

One of the main objectives of Schedule 2 of the regulation is to make the proponent aware that the ministry expects proponents to make reasonable efforts that a proposed transit project avoids or protects:

- Those matters identified in Table 2 of this guide that may be relevant in determining “provincial importance.”
- A constitutionally protected Aboriginal or treaty right identified by an Aboriginal community.
- Those situations identified in Table 3 of this guide.

Examples of other situations that regulatory agencies may identify and recommend that the proponent should consider when identifying the potential impact of a proposed transit project include vulnerable areas as defined under the *Clean Water Act*, heritage conservation districts and areas of archaeological potential, and important aggregate deposits (e.g. shale) identified by the Ministry of Natural Resources.

Table 3: Identifying persons who may be interested

	Column 1 Situation	Column 2 Persons who may be interested	Column 3 Examples
1.	All situations	<ul style="list-style-type: none"> • Regional coordinator of the Ministry of the Environment regional office • Local and regional transit operating agencies adjacent to project • Local municipality • Upper-tier municipality • Planning board 	All situations
2.	Transit project potentially affects navigable waterways or permanent or intermittent watercourses	<ul style="list-style-type: none"> • Conservation authority • Local Ministry of Natural Resources office • Ministry of Culture • Transport Canada • Fisheries and Oceans Canada — Fish Habitat Management • Environment Canada • Parks Canada 	Rivers Streams, creeks Marshes, bogs Lakes, ponds Outfalls, crossings Municipal drains
3.	Transit project potentially affects groundwater	<ul style="list-style-type: none"> • Local health unit • Local Ministry of Natural Resources office 	Wells, aquifers Groundwater recharge areas
4.	Transit project potentially affects extirpated, endangered, threatened or special concern species, provincially rare species, game wildlife, specially protected wildlife, regionally significant wildlife, fish or flora, migratory birds, or a significant assemblage of plant or animal species	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office • Conservation authority • Ministry of Culture • Ministry of Natural Resources — Natural Heritage Information Office • Committee on the Status of Endangered Wildlife in Canada (COSEWIC) • Committee on the Status of Species at Risk in Ontario (COSSARO) • Environment Canada • Parks Canada 	Species listed on the Species at Risk in Ontario List Species listed on the List of Wildlife Species at Risk under the <i>Species at Risk Act</i> (Canada) Species identified as provincially rare species by the Ministry of Natural Resources — Natural Heritage Information Office Game wildlife or specially protected wildlife under the <i>Fish and Wildlife Conservation Act, 1997</i> Regionally significant wildlife, fish or flora Migratory birds protected under <i>Migratory Birds Convention Act, 1994</i> (Canada)

	Column 1 Situation	Column 2 Persons who may be interested	Column 3 Examples
5.	Transit project potentially affects fisheries or fish habitat	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office • Conservation authority • Fisheries and Oceans Canada — Fish Habitat Management • Parks Canada 	Rivers, lakes Navigable waters Highways
6.	Transit project potentially affects environmentally sensitive areas (ESA) or areas of natural or earth scientific interest (ANSI or AESI)	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office • Conservation authority 	ESA as identified in an official plan or in a Ministry of Natural Resources plan or conservation authority plan
7.	Transit project potentially affects air quality, noise or vibration	<ul style="list-style-type: none"> • Local health unit • Health Canada 	Emissions from buses or vehicles in park n' rides Subways Light rail transit
8.	Transit project potentially affects hazard land	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office • Conservation authority 	Unstable soils Steep slopes Floodplain land
9.	Transit project potentially affects woodlots, Crown wildlife management areas, Crown lands managed by the Ministry of Natural Resources, or significant wildlife habitat	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office 	Agreement forests Significant woodland Wildlife Management Areas Crown Lands
10.	Transit project potentially affects natural heritage features	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office • Conservation authority • Environment Canada • Parks Canada • Ontario Heritage Trust 	Provincially, regionally and locally significant natural heritage features (such as significant woodlots and wetlands) and associated ecological functions National wildlife areas
11.	Transit project potentially affects ornamental or street trees	<ul style="list-style-type: none"> • Owners of property on which trees are located and owners of adjacent properties • Municipal staff responsible for trees 	Trees on municipal land
12.	Transit project potentially affects recreational areas	<ul style="list-style-type: none"> • Ministry of Culture • Local Ministry of Natural Resources office • Conservation authority • Parks Canada • Ministry of Natural Resources — Land Use and Environmental Planning Section (for transit projects in Niagara Escarpment Parks and Open Space System) 	Provincial parks and conservation reserves Conservation areas Niagara Parks Commission National parks Heritage land Municipal parks, open spaces and trail system Niagara Escarpment Parks and Open Space System (NEPOSS)

	Column 1 Situation	Column 2 Persons who may be interested	Column 3 Examples
13.	Transit project potentially affects tourist facilities	<ul style="list-style-type: none"> • Ministry of Tourism • Ministry of Culture 	Motels Restaurants, scenic lookouts
14.	Transit project potentially affects cultural heritage resources	<ul style="list-style-type: none"> • Local municipal heritage committee • Local historical society • Ministry of Culture • Ontario Heritage Trust • Architectural Conservancy of Ontario • Parks Canada • Heritage Canada Foundation 	Heritage buildings Heritage structures Scenic areas Archaeological sites including marine archaeological sites National historic sites Historic regions e.g. Rideau-Trent-Severn Corridor, designated heritage rivers Cultural heritage landscapes
15.	Transit project potentially affects aboriginal interests, including aboriginal or treaty rights	<ul style="list-style-type: none"> • Ministry of Culture • Local aboriginal community • Ministry of Aboriginal Affairs • Local Ministry of Natural Resources office • Indian and Northern Affairs Canada 	Places of importance for reasons of traditional use, sacred significance, or cultural or natural heritage significance
16.	Transit project potentially affects social service facilities	<ul style="list-style-type: none"> • Ministry of Community and Social Services district office 	Homes for the aged Psychiatric homes Group homes Hospitals
17.	Transit project potentially affects transportation service facilities ⁴	<ul style="list-style-type: none"> • Ministry of Transportation district office and regional manager of engineering and right-of-way • Fisheries and Oceans Canada • Transport Canada • Owners of rail corridor • Canadian Transportation Agency • GO Transit 	Highways Navigable waters Harbours St. Lawrence Seaway Airports Railway crossings
18.	Transit project potentially affects provincial government property	<ul style="list-style-type: none"> • Ontario Realty Corporation 	Provincially-owned or maintained buildings or property
19.	Transit project potentially affects utilities	<ul style="list-style-type: none"> • Local utility companies • Ontario Power Generation • Hydro One 	Electrical lines Telephone lines Oil pipelines Gas pipelines Water or sewage works

⁴ For situations where a transit project may potentially affect existing and future transportation service facilities, including proposed rapid transit corridors, examples of owners of rail corridors and passenger rail service providers a proponent should contact include CN Rail, CP Rail, GO Transit, VIA Rail.

	Column 1 Situation	Column 2 Persons who may be interested	Column 3 Examples
20.	Transit project potentially affects sensitive or special planning areas	<ul style="list-style-type: none"> • Ministry of Municipal Affairs and Housing – Provincial Planning and Environmental Services Branch⁵ • Ministry of Economic Development and Trade • Ministry of Northern Development and Mines • Ministry of Tourism • Ministry of Culture • Local Ministry of Natural Resources office • Parks Canada • Niagara Escarpment Commission (for transit projects in Niagara Escarpment Planning Area) 	<p>Regionally significant growth centres</p> <p>Major industrial parks or subdivisions</p> <p>Development in northern Ontario</p> <p>Areas with potential for tourism development or designation</p> <p>Niagara Escarpment Planning Area</p> <p>Parkway Belt Planning Area</p> <p>Oak Ridges Moraine</p>
21.	Transit project potentially affects prime agricultural areas or specialty crop areas	<ul style="list-style-type: none"> • Ministry of Agriculture, Food and Rural Affairs — Land Use Planning • Agriculture and Agri-Food Canada 	Areas designated for prime agricultural in municipal official plans or areas where, using the classifications of the Canada Land Inventory, soil classes 1, 2 and 3 predominate
22.	Transit project is funded in whole or in part by the federal government or potentially affects federal land	<ul style="list-style-type: none"> • Funding agency or land owner 	<p>Federal infrastructure programs</p> <p>Sale or leasing of federal lands</p>
23.	Transit project potentially affects Great Lakes interconnecting channels	<ul style="list-style-type: none"> • Local Ministry of Natural Resources office • Fisheries and Oceans Canada — Canadian Coast Guard • Fisheries and Oceans Canada — Fish Habitat Management • Environment Canada • Foreign Affairs and International Trade Canada • Transport Canada 	<p>St. Mary's River</p> <p>St. Clair River</p> <p>Detroit River</p> <p>Niagara River</p> <p>St. Lawrence River</p>

⁵ Please note that wherever reference is made to the "Ministry of Municipal Affairs and Housing – Provincial Planning and Environmental Services Branch" in Schedule 2 of the regulation, it should be read as "Ministry of Municipal Affairs and Housing – **Local municipal services office.**"

3.2.2 Notice of Commencement

Before distributing a Notice of Commencement, proponents must:

- Identify Aboriginal communities that may be interested in the transit project, including those identified by the bodies specified by the Director that the proponent must contact.
- Identify other interested persons, including provincial ministries and other regulatory agencies by having regard to Schedule 2 in the regulation.

The list the Director will identify can also be found on the environmental assessment page of the ministry's website:

www.ene.gov.on.ca/en/eaab/aboriginal-resources.php

Upon receipt of a request from a proponent for a list of bodies to contact to identify Aboriginal communities that may be interested in a transit project, the Director will provide within 14 days, the bodies to be contacted for the purposes of providing the names of particular Aboriginal communities that may be interested in the transit project. The bodies will include offices within the Ministry of Aboriginal Affairs, and Indian and Northern Affairs Canada.

Proponents should be well prepared before starting the time-limited transit project assessment process (refer to section 4.1 of this guide with respect to recommended pre-planning activities proponents should carry out). The ministry strongly recommends that proponents contact and meet with ministry staff well in advance of issuing the Notice of Commencement. When meeting with ministry staff, the proponent should provide an overview of the proposed transit project, including if known, project timing, involvement of regulatory agencies (federal, provincial, municipal, conservation authorities, etc.), Aboriginal concerns, public concerns, and any other issues that may be relevant to the transit project. In this way, the ministry can help the proponent understand regulatory requirements and provide guidance and/or identify gaps with respect to regulatory agencies to be notified, informed, and/or consulted.

Proponents must prepare and distribute a Notice of Commencement to indicate that the assessment of a transit project is proceeding under the transit project assessment process. This notice must provide the following information:

- The proponent's name and address.
- The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent.
- A description of the transit project.
- A statement that the environmental impact of the transit project is being assessed according to the transit project assessment process as prescribed in the Transit Projects Regulation.
- A map showing the site of the transit project.

- Information on how to obtain a description or summary of any preliminary work done by the proponent.

The proponent is required to distribute this notice to:

- Every assessed property owner within 30 metres of the site of the transit project.
- The Director.
- The Regional Director.
- Every Aboriginal community identified by those bodies specified by the Director, and any other Aboriginal community the proponent thinks may be interested in the transit project.
- Any other person that the proponent considers may be interested in the transit project. The proponent must have regard to Schedule 2 in the regulation when identifying interested persons.

Regulated timelines start on the day the Notice of Commencement **first appears** in a local publication.

While the Transit Projects Regulation does not require the proponent to maintain a project-specific website, proponents are encouraged to establish a website for the transit project if the proponent does not already have a general website. If a website exists, the proponent shall post the Notice of Commencement, and any other relevant transit project information on its website.

The proponent is expected to maintain a mailing list of all persons, including regulatory agencies, and Aboriginal communities that have been notified, provided comments and input, or otherwise expressed an interest in a transit project.

The proponent must also publish this notice on two separate days, in a newspaper with circulation in the area where the transit project is located. If the area of the transit project is extensive (e.g. linear facility), proponents will have to publish this notice in that newspaper or newspapers with general circulation in the full area. Where no newspaper exists with general circulation in the area of the transit project, the proponent must publish this notice in some other way that the proponent considers will promptly bring this notice to the attention of the public in the area of the transit project.

3.2.3 Consultation requirements

Public consultation is required for all projects that are subject to the transit project assessment process. The transit project assessment process requires proponents to consult with persons that the proponent considers may be interested in the transit project. Consultation allows the proponent to:

- Properly identify, inform or notify persons, which include those potentially affected by the transit project.
- Identify and assess the range of potential environmental impacts of the transit project.
- Respond to the concerns of interested persons, which include adjacent property owners and others who may be affected by some aspect of the project.

It is the proponent's responsibility to design and implement an appropriate consultation program for consultations regarding a transit project. The proponent's consultation program must include certain matters based on section 8 of the regulation:

It is up to the proponent to determine the best method to consult with interested persons.

- Providing information about the basis on which the transit project was selected, which includes:
 - The assessment and evaluation of the impacts of the transit project and other methods considered;
 - The criteria for the assessment and evaluation of those impacts;
 - Any studies completed with respect to those impacts.
- Providing information about the proposed measures for mitigating any potential negative impacts of the transit project.
- Providing information about the way the proponent intends to monitor and verify the effectiveness of the proposed mitigation measures.
- Discussing with Aboriginal communities any constitutionally protected Aboriginal or treaty right that is identified as potentially being negatively impacted by the transit project.
- Discussing with Aboriginal communities any measures identified by the Aboriginal community for mitigating potential negative impacts on constitutionally protected Aboriginal or treaty rights.

When consulting on a proposed transit project and collecting information to document in the Environmental Project Report, proponents should also consider consulting on those matters that are required to be documented. Examples of other topics proponents could consult on include (refer also to section 3.2.4, Documentation requirements on page 26) the purpose of the transit project, any background information relating to the transit project if available, the local environmental conditions at the site of the transit project.

When consulting on the transit project, proponents should consider emphasizing the benefits and expected positive effects of the transit project, and acknowledge that there may be some individual persons who may be affected by the transit project to improve the community/society at large, despite all efforts to avoid or mitigate negative impacts.

Depending on the potential environmental impacts and level of public interest associated with a transit project, proponents may decide to use methods such as open houses, meetings, workshops, site visits, information bulletins, detailed fact sheets, etc. Proponents should tailor the consultation program to reflect the nature of the project. Failure to carry out adequate public consultation is often the reason for opposition to a transit project.

In order to conduct effective consultation, proponents should obtain information and input before starting the transit project assessment process. Seeking information and input early and conducting effective consultation during the transit project assessment process will assist in meeting the timelines specified in the regulation.

Nevertheless, proponents should consider carrying out other activities including providing additional information to make the consultation effective. For example,

- Identify a broad range of persons who may be interested.
- Solicit input on the consultation approaches and methods that would be the most effective.
- Inform interested persons where, when and how they can be involved.
- Follow up on notices given to interested persons, including regulatory agencies and Aboriginal communities, to ensure that information has been received and interest in a project has been accurately accommodated.
- Respond to concerns and issues raised during the program or identify why a response was not considered appropriate.

When distributing notices about a transit project, for example, Notice of Commencement, notice of a public consultation session/event, proponents should follow up on such consultation efforts to ensure that information has been received.

Identifying interested persons

Potential persons who the proponent may consider as persons interested in a transit project include:

- Property owners within 30 metres of the site of the transit project.
- Regulatory agencies (provincial ministries and agencies, federal authorities and departments).
- Municipalities.
- Aboriginal communities.
- Members of the public.

The regulation contains a table that proponents must consider when identifying and consulting with potentially interested persons. Schedule 2 of the regulation has been reproduced in this guide as Table 3 (see page 15).

Consultation with regulatory agencies

The purpose of consultation with regulatory agencies is to inform and receive input from all government agencies with jurisdiction or an interest related to a particular transit project. This may include federal and provincial ministries and agencies. It is the proponent's responsibility to identify and determine which government agencies should be consulted. At a minimum, relevant regulatory agencies should be provided with copies of the mandatory notices.

The proponent is responsible for contacting the appropriate government agency technical representatives. The mandates of regulatory agencies are such that their needs and requirements for information may be more prescriptive or extensive than other interested persons. Proponents should be prepared to provide regulatory agencies with detailed information when requested. Proponents are advised to contact and consult with appropriate regulatory agencies, including following up with the appropriate personnel to confirm that they are aware of the transit project. Ideally, proponents should start notification and consultation activities with regulatory agencies during pre-planning activities. In order to provide sufficient time for their review and to meet the 120-day time limit in the transit project assessment process, proponents should obtain information, guidance, and feedback from regulatory agencies as soon as possible. Doing so will help identify potential matters of provincial importance or a constitutionally protected Aboriginal or treaty right that should be avoided.

Proponents should address issues raised by any regulatory agency before releasing the Environmental Project Report for review (when the Notice of Completion is given). Doing so will help avoid fundamental concerns or disagreements being raised at a late stage in the transit project assessment process. Providing regulatory agencies with an opportunity to comment on draft reports may help proponents meet timelines specified in the regulation.

For large, complex, and potentially controversial transit projects, proponents are expected to circulate a preliminary draft of its Environmental Project Report to appropriate regulatory agency contacts for comment before starting the transit project assessment process. Adequate time should be provided for regulatory agencies to comment on draft reports. Circulation of draft reports to regulatory agencies allows the proponent the opportunity to include comments from regulatory agencies in the final report, so that other interested persons have an opportunity to see whether regulatory agencies have any concerns about the project.

Please note that information on which regulatory agencies were contacted and consulted, a summary of their comments, and a summary of what the proponent did to respond to concerns raised by regulatory agencies are required to be included in the Environmental Project Report. Proponents should attempt to obtain statements from regulatory agencies that there are no concerns with the

transit project or if there are concerns, that concerns have been appropriately addressed. Including such statements in the Environmental Project Report, particularly from those agencies whose mandate relates to the natural environment and/or has cultural heritage value or interest (e.g. Ministry of Natural Resources, Ministry of the Environment, local conservation authorities, Environment Canada, Fisheries and Oceans Canada, Ministry of Culture) will reassure the ministry that potential environmental issues and concerns have been appropriately responded to and addressed.

Environment Canada has stated that should a proponent identify and determine that Environment Canada is a body that may be interested, consultation with Environment Canada is only considered necessary when the transit project is expected to cause impacts (pertinent to Environment Canada's mandate) that are unknown and cannot be mitigated. Environment Canada's interests in transit projects relate primarily to water quality, air quality and toxics management, migratory birds and terrestrial species at risk.

For more information about Environment Canada's mandate, please refer to:

English: www.ec.gc.ca/default.asp?lang=En&n=48D356C1-1

French: www.ec.gc.ca/default.asp?lang=Fr&n=48D356C1-1

Consultation with Aboriginal communities

Consultation with Aboriginal communities in the transit project assessment process is intended to allow a proponent to identify and respond to concerns that may be raised by Aboriginal communities and to provide an opportunity to receive information about and have meaningful input into the review and development of a transit project. In addition, such consultation is important to any duty to consult that the Crown may have in relation to constitutionally protected Aboriginal or treaty rights that may be impacted by a transit project, and may be relied upon by the Crown.

This guide is not intended to describe fully how any Crown's duty to consult, if it is triggered, may be discharged. However, the Crown may delegate the procedural aspects of consultation to proponents, and recognizes a corresponding responsibility of Aboriginal communities to participate in this process, make their concerns known, and respond to efforts to address their concerns. To the extent that any Crown duties of consultation may be triggered for a particular project, the transit project assessment process sets out some of the actions and procedural aspects of consultation that proponents are required to take with respect to consultation with Aboriginal communities.

It should be noted that whether or not the Crown has a constitutional duty to consult with an Aboriginal community, the community might be an interested person for the purposes of consultation in the transit project assessment process.

The transit project assessment process includes several specific requirements with respect to consulting with Aboriginal communities. Proponents are required to:

- Contact the Director for a list of bodies that would be able to assist in identifying Aboriginal communities that may be interested in a transit project.
- Contact those bodies and request the bodies to identify Aboriginal communities.
- Give each Aboriginal community identified by those bodies and any other Aboriginal community that may be interested, a copy of the Notice of Commencement.
- Request the Aboriginal community to advise the proponent in writing of the nature of any interest it may have in the transit project when giving the Notice of Commencement.
- Ensure that the Aboriginal community is given the opportunity to participate in the consultation.
- Discuss potential negative impacts of the transit project on any constitutionally protected Aboriginal or treaty right that may be identified and the measures to mitigate these negative impacts.
- Respond to concerns expressed by the Aboriginal community.

Contact with Aboriginal communities should be made through the Chief and Band Council.

In discharging the requirements of the regulation, proponents are expected to make, at a minimum, good faith efforts to engage Aboriginal communities, such as:

- Following up with telephone calls to ensure that the Aboriginal community is aware of the transit project.
- Providing the Aboriginal community with notification of consultation events such as open houses and meetings.
- Providing relevant transit project documentation and other information when requested.
- Considering providing flexibility and the unique needs of the Aboriginal community, such as additional time to review documents, language requirements, communication styles/preferences and access to communication tools.

If the proponent or Aboriginal community identifies that the transit project may have a potential negative impact on a constitutionally protected Aboriginal or treaty right, the Director should be notified. This is to ensure that appropriate actions are taken so that the Crown's duty to consult, if it arises, is satisfied.

Where a significant change to a transit project is required, proponents are also required to consult with Aboriginal communities, similar to the process identified in sections 7 and 8 of the regulation (refer to section 15 in the regulation):

- Contact the Director for a list of bodies that would be able to assist in identifying Aboriginal communities that may be interested in the change to the transit project.
- Contact those bodies and request the bodies to identify Aboriginal communities that may be interested in the change to the transit project.
- Give a copy of the Notice of Environmental Project Report Addendum to each identified Aboriginal community and any other Aboriginal community that may be interested in a significant change to the transit project.
- Request the Aboriginal community to advise the proponent in writing of the nature of any interest it may have in the change to the transit project when giving the Notice of Environmental Project Report Addendum.

3.2.4 Documentation requirements

Proponents must complete their documentation of the transit project assessment process within 120 days of distributing the Notice of Commencement. The document prepared by the proponent is known as the Environmental Project Report. The purpose of the Environmental Project Report is to document the transit project assessment process followed and the conclusions reached. It is recognized that the level of detail will vary among transit projects and the detail is not necessarily dependent on the size of the project but rather is dependent on the potential environmental impacts (both positive and negative) and how negative impacts will be mitigated. A project that is more complex (e.g. has a greater number of potential negative impacts), will have a more detailed report. The ministry expects that proponents will adjust and rework their Environmental Project Report throughout the 120-day period to reflect input from Aboriginal communities, adjacent property owners, regulatory agencies and other interested persons.

A proponent may develop its Environmental Project Report before distributing the Notice of Commencement. Proponents may use the 120-day period to incorporate comments about the transit project and to finalize its Environmental Project Report.

In order to qualify for the exemption in the Transit Projects Regulation and use the transit project assessment project assessment process, the proponent's Environmental Project Report must contain the following information:

- A statement of the purpose of the transit project and a summary of any background information relating to the transit project.
- A final description of the transit project, including a description of the preferred design method of carrying out the transit project, and a description of the other design methods that were considered.
- A map showing the site of the transit project.
- A description of the local environmental conditions at the site of the transit project.

- A description of all studies carried out, including a summary of all data collected or reviewed and a summary of all results and conclusions.
- The assessment and evaluation of the impacts of the preferred method of carrying out the transit project and other methods might have on the environment, and the criteria for the assessment and evaluation of those impacts.
- A description of any proposed measures for mitigating any negative impacts the transit project might have on the environment.
- If mitigation measures are proposed, a description of the proposal for monitoring or verifying the effectiveness of the mitigation measures.
- A description of any municipal, provincial, federal, or other approvals or permits that may be required.
- A consultation record, including:
 - A description of the consultations and follow up efforts carried out with interested persons, including Aboriginal communities;
 - A list of the interested persons, including Aboriginal communities who participated in the consultations;
 - Summaries of the comments submitted by interested persons, including Aboriginal communities;
 - A summary of any discussions with Aboriginal communities including discussions of any potential impacts of the transit project on constitutionally protected Aboriginal or treaty rights, and copies of all written comments submitted by Aboriginal communities;
 - A description of what the proponent did to respond to concerns expressed by interested persons, including Aboriginal communities.
- If a "time out" was taken during the transit project assessment process, a summary of each issue including:
 - A description of the issue;
 - A description of what the proponent did to respond to the issue and the results of those efforts;
 - The dates that notices for the "time out" were given to the Director and the Regional Director.

Providing sufficiently detailed information as part of consultations can help assure regulatory agencies, Aboriginal communities, adjacent property owners, and other interested persons that environmental impacts have been adequately considered, and may reduce the likelihood of the Minister receiving objections to the transit project.

If there are negative impacts that cannot be mitigated, the proponent should fully describe in the Environmental Project Report the expected consequences of the resultant negative impacts of the project on the environment.

Where measures are proposed to mitigate negative impacts, the proponent is encouraged to reference any industry-recognized standards, guidelines, and procedures in the Environmental Project Report. Including commitments to monitor and report on compliance efforts to ensure that subsequent contract requirements accurately reflect the measures that will be adopted during the construction and operation of the transit project will also be helpful.

The proponent should organize its Environmental Project Report in a clear and comprehensive manner to allow for its timely review by regulatory agencies and interested persons, including Aboriginal communities. The proponent should also provide a summary of the commitments made during the transit project assessment process (in particular highlighting any monitoring and reporting commitments) in the Environmental Project Report.

3.2.5 Notice of Completion

Once the proponent has completed and finalized its Environmental Project Report, the proponent must make it available for final review and comment by interested persons and the public for 30 calendar days. The Notice of Completion must be given within 120 days of the distribution of the Notice of Commencement (not including any “time outs” that might have been taken).

The Notice of Completion must include the following information:

- Information as to where and how members of the public may examine the Environmental Project Report and obtain copies.
- A description of the objection process, which includes:
 - A statement that there are circumstances which the Minister has authority to require further consideration of the transit project, or impose conditions on it, if he or she is of the opinion that:

Proponents must give their Notice of Completion of the Environmental Project Report within 120 days of starting the transit project assessment process.

Proponents can give the Notice of Completion at any time during the 120-day period after completing the required consultation and after preparing the Environmental Project Report, but cannot give it after the 120 days have lapsed.

It is important to note that if the proponent fails to give the Notice of Completion within the 120-day period, the proponent will have failed to meet one of the conditions of the regulation and the transit project cannot proceed until further steps are taken.

This will result in the proponent having to either restart the transit project assessment process from the beginning or completing an environmental assessment according to Part II of the *Environmental Assessment Act* or an approved class environmental assessment.

If restarting from the beginning, the proponent must meet the requirements as described in section 5 of the regulation, including distributing a new Notice of Commencement and complete the steps that are required by the regulation, regardless of whether those steps were done before non-compliance with the initial process. However, where appropriate, a proponent may be able to rely on substantive work (e.g. technical studies, some consultation) that was done in respect of the project during the initial process.

- » The transit project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
- » The transit project may have a negative impact on a constitutionally protected Aboriginal or treaty right.
- A statement that, before exercising the authority referred to above, the Minister is required to consider any written objections to the transit project that he or she receives within 30 days after the Notice of Completion of the Environmental Project Report is first published.

The Notice of Completion should also include:

- The proponent's name and address.
- The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent.
- A brief description of the transit project.
- A map showing the site of the transit project.
- The date by which objections should be submitted to the Minister.

The proponent is required to give the Notice of Completion to:

- Every person to whom a Notice of Commencement was given.
- The Director.
- The Regional Director.
- Every person who has made a written request for a copy of this notice.
- Any other person the proponent considers may be interested in receiving a copy of this notice, including those persons who participated or provided comments during the 120-day consultation period.

The proponent must also publish this notice on two separate days, in a newspaper with circulation in the area where the transit project is located. If the area of the transit project is extensive (e.g. linear facility), proponents will have to publish this notice in that newspaper or newspapers with general circulation in the full area. Where no newspaper exists with general circulation in the area of the transit project, the proponent must publish this notice in some other way that the proponent considers will promptly bring this notice to the attention of the public in the area of the transit project.

Proponents should make the Environmental Project Report easily accessible and should provide a copy in a convenient location(s) near the site of the transit project, such as a public library, community centre, or municipal office. The locations selected should provide

While the Transit Projects Regulation does not require the proponent to maintain a project-specific website, proponents are encouraged to establish a website for the transit project if the proponent does not already have a general website.

opportunities for the document to be viewed both during and after normal office hours.

At each viewing location, it is recommended that proponents make more than one copy of the Environmental Project Report and supporting information available for review, especially for large transit projects and transit projects that are likely to generate significant public interest. The Environmental Project Report should also be made available on the proponent's website.

3.2.6 Statement of Completion

The transit project assessment process is completed when a proponent submits a Statement of Completion to the Director and the Regional Director excluding any unforeseen circumstances that may require a change to the transit project.

Proponents may submit a Statement of Completion under the following circumstances:

- The Minister gives a notice allowing the proponent to proceed with the project in accordance with the Environmental Project Report.
- The Minister gives a notice allowing the proponent to proceed with the project in accordance with the Environmental Project Report, subject to conditions.
- The Minister gives a notice requiring further consideration of the transit project and subsequently gives a notice allowing the proponent to proceed with the project in accordance with a Revised Environmental Project Report.
- The Minister gives no notice within 65 days of the proponent giving the Notice of Completion.

The Statement of Completion must indicate that the proponent intends to proceed with the transit project in accordance with either:

- The Environmental Project Report;
- The Environmental Project Report, subject to conditions set out by the Minister; or,
- The Revised Environmental Project Report.

The proponent must also post the Statement of Completion on its website, if a website exists.

Construction or installation of a transit project subject to the transit project assessment process cannot begin until the requirements of the transit project assessment process have been met.

Subject to these requirements, the transit project may proceed subject to any other required approvals. The proponent shall

While not everyone has Internet access or the means to establish a project-specific website, providing the public with access to project-specific information on a website is considered a best practice.

implement the project in the manner described in the Environmental Project Report and in accordance with any commitments or modifications made subsequent to the preparation of the Environmental Project Report and set out in its Revised Environmental Project Report or Environmental Project Report Addendum. The proponent shall also comply with any requirements that the Minister imposes in a notice allowing the proponent to proceed subject to conditions. The proponent may not proceed where the Minister gives a notice terminating the transit project assessment process and requiring the proponent to comply with Part II of the *Environmental Assessment Act* or an approved class environmental assessment before proceeding with the transit project.

3.3 Notices required for the transit project assessment process

This section provides information about and summarizes the various notices that may be required during the transit project assessment process. Table 4 lists the notices; when they may be required in the process; who is responsible for giving, distributing, publishing, or issuing these notices; and, how to do so.

Also, appended to this guide is a form and notification templates for proponents and interested persons to use at various steps in the transit project assessment process. Appendix A contains a copy of the Statement of Completion form that proponents are to use (this is available on the ministry's website) when the requirements of the transit project assessment process have been fulfilled. Appendix B contains several notification templates that indicate what kind of information the ministry expects to be provided and/or given.

When giving and distributing copies of a notice, proponents may provide a notice or copy of a notice by letter mail, delivering directly, or electronic mail. Proponents should choose the method that result in the least amount of time.

Please note that section 36 of the *Environmental Assessment Act* states that when giving a notice by regular mail delivery, it will be deemed to be received on the fifth day after it is mailed.

Table 4: Summary of mandatory notices

Type of Notice	When Required	Issued By	Given To / Distributed To / Published
<p>1. Notice That Project Will Proceed under Part II of the <i>Environmental Assessment Act</i> or Approved Class Environmental Assessment</p> <p>Proponent wishes to proceed in accordance with Part II of the <i>Environmental Assessment Act</i> or an approved class environmental assessment and does not want the exemption to apply</p>	Any time before the Statement of Completion is submitted	Proponent	<ul style="list-style-type: none"> - Director - Regional Director
<p>2. Notice of Commencement of Transit Project Assessment Process</p> <p>Proponent prepares and distributes a Notice of Commencement, which "starts the clock ticking" for the 120-day portion of the transit project assessment process</p>	At the start of the transit project assessment process, after following the steps required in subsection 7(4) of the regulation to identify Aboriginal communities	Proponent	<ul style="list-style-type: none"> - Every property owner within 30 metres of the transit project site - Director - Regional Director - Every Aboriginal community identified under subsection 7(4) of the regulation and any other Aboriginal community that, in the proponent's opinion, may be interested - Any other person who, in the proponent's opinion, may be interested - Published in local newspaper - Posted on proponent's website
<p>3. Notice of Issue</p> <p>Proponent wishes to take a "time out" to suspend the 120-day period regarding a potential negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right</p>	Any time during the 120-day period following the Notice of Commencement and before the Notice of Completion	Proponent	<ul style="list-style-type: none"> - Director - Regional Director - Posted on proponent's website
<p>4. Notice of Resumption</p> <p>Proponent wishes to resume the transit project assessment process following the "time out"</p>	If a Notice of Issue is submitted, the Notice of Resumption must be given before a Notice of Completion can be given	Proponent	<ul style="list-style-type: none"> - Director - Regional Director

Type of Notice	When Required	Issued By	Given To / Distributed To / Published
<p>5. Notice of Completion of Environmental Project Report</p> <p>Signals that the Environmental Project Report has been prepared in accordance with section 9 of the regulation and indicates that the Environmental Project Report is available for final review and comment, including the opportunity for interested persons to object to the transit project</p>	<p>Within 120 days after the Notice of Commencement has been issued</p>	<p>Proponent</p>	<ul style="list-style-type: none"> - Every person to whom a Notice of Commencement was given - Every person who has made a written request for a copy of this notice - Any other person who, in the proponent's opinion, may be interested, including persons who have commented previously - Published in local newspaper - Posted on proponent's website
<p>6. Minister's Notice</p> <p>The Minister may:</p> <ul style="list-style-type: none"> - Allow the proponent to proceed with the transit project in accordance with its Environmental Project Report; - Require the proponent to conduct further work and submit a Revised Environmental Project Report; or, - Allow the proponent to proceed with the transit project in accordance with its Environmental Project Report, subject to conditions <p><u>Minister's Notice following preparation of Revised Environmental Project Report</u></p> <ul style="list-style-type: none"> - Allow the proponent to proceed with the transit project in accordance with its Revised Environmental Project Report; or, - Terminate the transit project assessment process and require the proponent to comply with Part II of the <i>Environmental Assessment Act</i> or an approved class environmental assessment before proceeding with the transit project 	<p>Not earlier than 30 days and not later than 65 days after the Notice of Completion of the Environmental Project Report is first published</p> <p>* Where no notice is issued by the Minister before the 65-day period ends, a proponent may proceed with the transit project in accordance with the Environmental Project Report</p> <p>Within 30 days after receiving the proponent's Revised Environmental Project Report</p>	<p>Minister</p> <p>Minister</p>	<ul style="list-style-type: none"> - Proponent - Proponent

Type of Notice	When Required	Issued By	Given To / Distributed To / Published
<u>Minister's Notice following Environmental Project Report Addendum for significant change</u> - Allow the proponent to proceed with the transit project in accordance with its Environmental Project Report Addendum; - Require the proponent to conduct further work and submit a Revised Environmental Project Report Addendum; or, - Allow the proponent to proceed with the transit project in accordance with its Environmental Project Report Addendum, subject to conditions	Not earlier than 30 days and not later than 65 days after the Notice of Environmental Project Report Addendum is first published	Minister	- Proponent
<u>Minister's Notice following Revised Environmental Project Report Addendum for significant change</u> - Allow the proponent to proceed with the transit project in accordance with its Revised Environmental Project Report Addendum; or, - Terminate the transit project assessment process and require the proponent to comply with Part II of the <i>Environmental Assessment Act</i> or an approved class environmental assessment before proceeding with the transit project	Within 30 days after receiving the proponent's Revised Environmental Project Report Addendum	Minister	- Proponent
7. Notice of Objection Any person who has a concern(s) about the transit project	Not later than 30 days after the Notice of Completion of the Environmental Project Report is first published	Any person	- Minister of the Environment
8. Notice of Withdrawal Objector wishes to withdraw its objection(s) to the transit project	Not later than 65 days after the Notice of Completion of the Environmental Project Report is first published	Objector	- Minister of the Environment
9. Notice of Termination Proponent wishes to abandon the transit project assessment process	Any time before submitting a Statement of Completion	Proponent	- Director - Regional Director - Interested persons

Type of Notice	When Required	Issued By	Given To / Distributed To / Published
<p>10. Statement of Completion</p> <p>Proponent states its intention to proceed with the transit project in accordance with its Environmental Project Report or Revised Environmental Project Report</p>	<p>Not earlier than 65 days after the Notice of Completion of the Environmental Project Report is first published</p>	Proponent	<ul style="list-style-type: none"> - Director - Regional Director - Posted on proponent's website
<p>11. Notice of Environmental Project Report Addendum</p> <p>Proponent wishes to make a change to the transit project that is inconsistent with its Environmental Project Report and the proponent considers the change significant</p>	<p>After Statement of Completion is submitted, and before construction or installation of the significant change to the transit project begins, and after following the steps required in subsection 15(6) of the regulation to identify Aboriginal communities</p>	Proponent	<ul style="list-style-type: none"> - Every property owner within 30 metres of the site of the change - Director - Regional Director - Every Aboriginal community identified under subsection 15(6) of the regulation, and any other Aboriginal community that, in the proponent's opinion, may be interested in the change - Any other person who, in the proponent's opinion, may be interested - Published in local newspaper - Posted on proponent's website

3.4 What types of studies would be required for a public transit project?

The transit project assessment process does not specify the studies that must be carried out for a transit project; however, regulatory agencies may have specific information needs and requirements of which some examples of the sorts of studies for which proponents may be asked to conduct are listed below.

Examples of studies that may be requested

- ≈ Travel demand forecasting
- ≈ Traffic impact analysis
- ≈ Noise and vibration
- ≈ Air quality
- ≈ Natural resource inventories/assessments
 - » Streams
 - » Wetlands
 - » Floodplains
 - » Water quality, water quantity
 - » Plant and animal species and related habitat
 - » Rare, threatened, or endangered species and related habitat
 - » Forests, woodlots
- ≈ Cultural heritage and archaeological assessments
- ≈ Cultural heritage impact assessments and conservation plans
- ≈ Land use
 - » Proximity and effect on priority development areas, existing and planned uses
 - » Prime agricultural areas
 - » Aggregate resources
 - » Environmental site assessments (soil, groundwater contamination)
- ≈ Visual assessments
 - » Landscaping
 - » Streetscaping
- ≈ Financial analysis
 - » Capital costing
 - » Operations and maintenance costing

The nature and extent of studies that may be required will vary from one project to another. Proponents must contact provincial ministries, other regulatory agencies (e.g. conservation authorities, federal authorities), municipalities, adjacent property owners, Aboriginal communities and other interested persons to obtain information and to identify information requirements.

The ministry recommends that proponents conduct comprehensive and balanced planning exercises in evaluating and determining the preferred transit project. In addition, preparing and providing results of technical studies, such as those identified above, upfront and early will give regulatory agencies time to review and comment on required information as well as minimizing potential risks to proponents that could compromise the objective of a six-month process.

4. Other relevant topics

4.1 Pre-planning activities

The transit project assessment process focuses on an impact assessment of the selected transit project only. A proponent is not required to explain the rationale for a transit project or revisit previous planning decisions made leading up to the selection of a particular transit project.

Proponents wishing to maintain or build positive relationships in communities where it is desired to implement proposed transit projects, should consider involving or consulting with a broad range of potentially interested persons in pre-planning and decision-making leading up to the selection of a transit project. This may make the transit project assessment process itself smoother once it commences.

Depending on the scale, scope, level of complexity and potential public interest, a proponent's pre-planning activities may include preliminary planning studies to identify, assess, and evaluate rationale for alternatives to the transit project e.g. strategic, conceptual, feasibility, demand analysis.

Because the transit project assessment process is a time-limited process and the exemption of a particular project depends on following the prescribed steps in the regulation and complying with the prescribed time limits, the ministry recommends that proponents be well prepared.

Proponents should consider using some of the recommended approaches, identified below, before starting and during the transit project assessment process. Please note that the following approaches are not regulatory requirements, but rather suggestions that may assist proponents in completing the transit project assessment process.

Strategic planning for public transit

Proponents may identify the rationale and alternatives to public transit, transit technology, and/or, transit corridors and routes in various ways:

- ≈ Transit project is part of or is identified in provincial plans e.g. Growth Plan, Metrolinx Regional Transportation Plan.
- ≈ Transit project is part of or is included in a municipality's approved official plan or secondary plan.
- ≈ Feasibility, demand analysis is done through transportation planning studies e.g. master transit/transportation plans.

Some approaches that may assist in completing the transit project assessment process

Before starting the transit project assessment process:

- ☐ Contact the ministry to obtain the name of a ministry representative who can assist, coordinate, or provide guidance about potential/expected requirements of the transit project assessment process (project officer from the Environmental Assessment and Approvals Branch)
- ☐ Prepare a consultation plan(s)/strategy(ies) and seek input on the best methods for consulting with Aboriginal communities, adjacent property owners, regulatory agencies, municipalities
- ☐ Start pre-notification and pre-consultation activities with Aboriginal communities, adjacent property owners, regulatory agencies, municipalities
- ☐ Identify potential issues that may be considered provincially important
- ☐ Identify issues that may be of particular interest to Aboriginal communities
- ☐ Identify potential federal environmental assessment and other federal regulatory requirements
- ☐ Respond to issues and concerns that may be raised during pre-consultation
- ☐ Provide opportunities for Aboriginal communities, adjacent property owners, regulatory agencies, municipalities to review any draft methodologies, approaches, results of any studies, documentation, etc.
- ☐ Conduct studies in respect of the transit project (see page 36, section 3.4, What types of studies would be required for a public transit project?)
 - ☐ Identify existing baseline environmental conditions
 - ☐ Identify environmental and land use constraints
 - ☐ Identify project-specific location or alignment
 - ☐ Identify parking strategies, infrastructure, construction staging, land requirements
 - ☐ Identify station, stop, intermodal locations
 - ☐ Identify other alternative methods considered (e.g. different design alignments)
 - ☐ Identify how the transit project fits in with existing and future land uses, connects with other existing and future transportation facilities/services
 - ☐ Identify expected environmental impacts (both positive and negative) and proposed measures to mitigate potential negative impacts
- ☐ Explain and document why a potential negative impact may or may not be a negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right
- ☐ Prepare a preliminary draft of the Environmental Project Report and provide to persons who may be interested, including Aboriginal communities, adjacent property owners, regulatory agencies, municipalities
- ☐ Prepare a proposed project schedule for conducting the transit project assessment process, identifying opportunities for interested persons (Aboriginal communities, adjacent property owners, regulatory agencies, municipalities) to review and comment on any impact assessment documentation and design mitigation measures prepared by the proponent
- ☐ Go to municipal council with a draft Environmental Project Report
- ☐ Establish a transit project website

Some approaches that may assist in completing the transit project assessment process

During the transit project assessment process:

- ☐ Maintain a project file and keep it current (e.g. include all notices prepared by the proponent and given by the Minister, addenda, additional studies or consultation as required by the Minister, correspondence)
- ☐ Keep a record of consultation and follow-up activities with all interested persons and update it regularly (especially for matters related to the natural environment, property of cultural heritage value or interest, and Aboriginal and treaty rights)
- ☐ Include in any notices distributed or published:
 - ☐ Proponent's name and address
 - ☐ The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent
 - ☐ A brief description of the transit project
 - ☐ A map showing the site of the transit project
 - ☐ Website address for transit project where publicly available background information and transit project documentation can be accessed
 - ☐ A statement that informs the public that comments and submissions will form part of a public record file and can be made available under the *Freedom of Information and Protection of Privacy Act*, where appropriate
- ☐ Consider sharing publicly available pre-planning and technical background studies (e.g. keep in project file, make available on transit project website) with interested persons
- ☐ Include in the Environmental Project Report copies of responses received from regulatory agencies, including statements of no concern
- ☐ Indicate significance of impacts, both positive and negative, and reasoning
- ☐ Consider publishing a notice of construction well in advance of construction or installation starting
- ☐ Post monitoring and/or compliance report(s) on transit project website

4.2 Changing the Environmental Project Report

In the Transit Projects Regulation, changes to the proponent's Environmental Project Report may be required, through either an addendum to the Environmental Project Report or when the proponent must prepare a Revised Environmental Project Report.

In the case of an addendum, the proponent initiates the change to its Environmental Project Report (see page 9, section 2.6, Addendum process) and prepares an Environmental Project Report Addendum for changes considered significant.

In the case of a Revised Environmental Project Report, the Minister requires the proponent to change its Environmental Project Report. This occurs if the Minister gives notice to the proponent to carry out further work. The proponent must prepare a Revised Environmental Project Report within the time frame specified by the Minister (refer to section 13 in the regulation). If the Revised Environmental Project Report does not appropriately address the negative impact(s) on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, the Minister may terminate the transit project assessment process. The proponent would then be required to comply with either Part II of the *Environmental Assessment Act* ("individual" environmental assessment) or the process in an approved class environmental assessment.

4.3 Monitoring

4.3.1 Project-specific monitoring by the proponent

During implementation of the transit project, the proponent must conduct any monitoring outlined in its Environmental Project Report or in subsequent modifications or commitments. If measures are proposed to mitigate potential negative impacts, proponents must include in its Environmental Project Report (refer to paragraph 8, subsection 9(2) of the regulation),

A proponent must comply with any commitments, including effects, effectiveness and compliance monitoring activities for any measures to mitigate negative impacts identified in its Environmental Project Report.

"... a description of the means the proponent proposes to use to monitor or verify their effectiveness."

Monitoring and reporting is necessary to ensure that the mitigation measures identified in the Environmental Project Report are carried out and are effective. The ministry expects that the results of monitoring will be made available to regulatory agencies and interested persons, including Aboriginal communities, if requested.

In cases of complaints or compliance issues, the ministry may ask proponents to provide relevant information.

4.3.2 Compliance monitoring by the ministry

The purpose of compliance monitoring is so the ministry can evaluate the transit project assessment process and review a proponent's compliance with the Transit Projects Regulation.

The Branch will establish and maintain a public record for each transit project for which the ministry has received a Notice of Commencement. Information that may be compiled includes:

Compliance monitoring should not be confused with monitoring the project-specific environmental effects of a transit project that followed the transit project assessment process.

- The type of transit project.
- Copies of notices distributed, given, submitted, issued, published.
- Copies of any objection(s).
- Any requirements imposed by the Minister.
- Any documentation provided by the proponent.
- Any documentation provided by interested persons, including regulatory agencies, Aboriginal communities, other members of the public.

Monitoring implementation will help the Branch identify any modifications or improvements that might be made to the transit project assessment process.

If a proponent fails to meet a requirement of the Transit Projects Regulation, for example, a proponent does not issue its Notice of Completion of the Environmental Project Report within 120 days of issuing the Notice of Commencement, the proponent must restart the transit project assessment process (see also section 4.4 below). The proponent must start from the beginning and comply with sections 6 to 17 of the regulation if it wishes to proceed with the implementation of a transit project.

4.4 Stopping and restarting

At any point before submitting a Statement of Completion, a proponent can stop the transit project assessment process and restart it by distributing a new Notice of Commencement for the same transit project.

Proponents may also terminate the transit project assessment process and proceed with the transit project in accordance with Part II of the *Environmental Assessment Act* or an approved class environmental assessment by giving notice to the Director and the Regional Director, if desired.

There may be circumstances where a proponent is of the opinion that it may be desirable to discontinue the transit project assessment process in order to attempt to resolve matters that are not of provincial importance e.g. regional or local matters. In such cases, a proponent will have to start the transit project assessment process again, including distributing a new Notice of Commencement.

Stopping and restarting should not be confused with the “time out” provision in the regulation that allows proponents to pause the 120-day period to address potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, and to resume when the matter has been addressed.

In choosing to stop and restart the transit project assessment process, proponents will be required to start from the beginning with the distribution of a new Notice of Commencement and to complete the steps that are required by the regulation, regardless of whether those steps were done before abandoning the initial process. Nevertheless, and where appropriate, a proponent may be

able to rely on substantive work (e.g. technical studies, some consultation) that was done in respect of the project during the initial process.

Section 6 in the regulation allows proponents to terminate the transit project assessment process by giving notices to that effect to the Director and the Regional Director. The regulation does not require proponents to seek approval to end the transit project assessment process. There are no restrictions on the time between stopping the transit project assessment process and restarting it.

Circumstances in which a proponent may wish to stop and restart may include unforeseen issues arising during the 120-day period that the proponent feels require significant additional time to address or the proponent feels that there is a need to revisit the proposed transit project. However, the decision to abandon and restart should not be taken lightly as terminating the transit project assessment process will likely result in delays in the eventual implementation of the transit project and additional costs associated with publishing new notices, restarting consultations, and redoing documentation. It may also cause confusion amongst members of the public, regulatory agencies, and Aboriginal communities that had participated in the initial consultation process.

It should be noted that the Minister may also terminate the proponent's transit project assessment process. The Minister may require that the proponent submit an environmental assessment and comply with either the requirements of Part II of the *Environmental Assessment Act* or an approved class environmental assessment process under the following circumstances:

- When the Minister is of the opinion that the Revised Environmental Project Report does not appropriately address the negative impact; or,
- When the Minister is of the opinion that the Revised Environmental Project Report Addendum does not appropriately address the negative impact.

4.5 Federal environmental assessment requirements

Public transit projects may also be subject to the requirements of the *Canadian Environmental Assessment Act*. The information contained in this section is not all-inclusive and is provided for information purposes only to highlight for proponents potential federal environmental assessment requirements. For specific details, refer to the legislation and associated regulations. Copies of the *Canadian Environmental Assessment Act* and regulations, as well as additional guidance materials are available on the Canadian Environmental Assessment Agency (Agency) website at www.ceaa-acee.gc.ca.

Under subsection 5(1) of the *Canadian Environmental Assessment Act*, a federal environmental assessment may be required when, in respect of a project, a federal authority:

- Is the proponent;
- Makes or authorizes payment or any other form of financial assistance to the proponent;
- Sells, leases or otherwise disposes of lands; or,
- Issues a permit, licence, or other form of approval pursuant to a statutory or regulatory provision referred to in the federal Law List Regulations.

These planned actions of federal authorities are commonly called “triggers.” In order for the *Canadian Environmental Assessment Act* to apply, there must be a project, there must be a federal authority, and there must be a trigger under subsection 5(1) of the act. The federal authority carrying out the environmental assessment is referred to as the responsible authority.

Appendix C contains information on potential *Canadian Environmental Assessment Act* triggers. Table 5 (Potential federal environmental assessment triggers for transit projects) is not inclusive. Proponents are encouraged to refer to the *Canadian Environmental Assessment Act* and associated regulations and to contact potential responsible authorities as early as possible so that all possible triggers for its transit project can be identified.

Should a federal authority determine that it would have a trigger for the proposed project and determine that a federal environmental assessment is required, formal commencement of the process will be signalled by an entry on the Canadian Environmental Assessment Registry at the appropriate time and communicated to the proponent.

Proponents should involve federal regulatory agencies early.

Proponents should contact the Canadian Environmental Assessment Agency to obtain guidance on which federal authorities may have an interest in the transit project.

In addition, Table 6 (Identifying expert federal authorities) identifies federal authorities that may have an interest in a project conducted under the transit project assessment process and may provide comments on the project, regardless of whether there is a federal environmental assessment trigger or not. Proponents should respond to and address any concerns raised by federal authorities.

If a federal assessment is required, proponents should consider, in consultation with the responsible authority(ies), the Agency and the ministry, ways to maximize efficiencies with respect to the collection of data, the criteria for assessing the impacts of the transit project, consultation, addressing other requirements that meet the needs of both the federal and provincial processes. For example, the guide entitled, *Federal/Provincial Environmental Assessment Coordination in Ontario: A Guide for Proponents and the Public* (June 2007) contains some federal-provincial coordination principles that can be applied in the environmental impact assessment of transit projects following the Transit Projects Regulation.

5. Roles and responsibilities

This section outlines the roles and responsibilities of the various participants that may be involved in the planning and impact assessment for a public transit project.

It is important to note that the information outlined herein is not meant to be exhaustive and that other participants, roles, and/or responsibilities may apply depending on the nature and complexity of a proposed transit project.

Participants who may be involved in a transit project assessment process include:

- ≈ Public sector transit proponents
- ≈ Regulatory agencies
- ≈ Municipalities
- ≈ Aboriginal communities
- ≈ Other interested persons
- ≈ Ministry of the Environment staff

5.1 Proponents

Proponents are those who plan and develop transit projects. Where a proponent seeks to rely on the exemption provided in the Transit Projects Regulation, a proponent is required to follow the transit project assessment process.

The roles and responsibilities of proponents are set out in the regulation and further elaborated on in the rest of this guide.

5.2 Interested persons

It is expected that persons who are interested in a proposed transit project will participate in any pre-planning activities a proponent carries out, as well as its consultation and documentation activities as part of the transit project assessment process.

Interested persons include:

- Adjacent property owners.
- Aboriginal communities.
- Regulatory agencies.
- Other members of the public (individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations from the local community, municipal heritage committees, historical societies, community heritage organizations, ratepayers' associations, businesses, transportation management associations, organizations that support sustainable transportation, etc.).

Interested persons should consider participating in the transit project assessment process by:

- Indicating to the proponent their level of interest and identifying how they prefer to participate.
- Identifying potential interests, issues and concerns, and informing the proponent (preferably in writing) as soon as possible.
- Participating in consultation opportunities provided by the proponent where possible.
- Suggesting changes to the specific transit project or related documentation (e.g. draft and final Environmental Project Report, supporting documentation, technical documentation) that may address concerns. Members of the public may offer suggestions to proponents on various matters, for example, changing the orientation of the transit project on the site, using other measures such as a screen to minimize visual impact, changing the location of access to the site.
- Submitting objections to the Minister within the 30-day Environmental Project Report review period if there is an outstanding concern(s) about potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right.
- Withdrawing objections to the transit project if the proponent has responded to or addressed outstanding concern(s).

5.2.1 Aboriginal communities

It is expected that Aboriginal communities who are interested in or may be potentially affected by a proposed transit project will participate in any pre-planning activities a proponent carries out, as well as its consultation and documentation activities as part of the transit project assessment process.

Interested or potentially affected Aboriginal communities should:

- Identify for the proponent, an appropriate contact to maintain consistency throughout the planning process.
- Identify potential interests in the particular project in a timely manner.
- Participate in consultation opportunities provided by the proponent where possible.
- Work with the proponent to try to address concerns, including using mediation or negotiation methods as necessary.
- Where there are no concerns with the project or the proponent has addressed concerns adequately, consider providing documentation indicating that there are no concerns or no outstanding concerns.
- Consider submitting objections in accordance with the regulation if, after all efforts during consultation have been exhausted, and there is an outstanding concern about a negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right.

Some transit projects may have potential impacts on constitutionally protected Aboriginal or treaty rights and thereby trigger the Crown's duty to consult under section 35 of the federal *Constitution Act, 1982*. It is important to note that where this is not the case, an Aboriginal community may be an interested person for the purpose of the transit project. In either case, it is expected that interested Aboriginal communities will participate early in pre-planning activities such as those outlined above, and to make concerns about the transit project known to the proponent. Where impacts are specific to constitutionally protected Aboriginal or treaty rights, it is especially important that the Aboriginal community:

- Outline the source, scope and nature of the constitutionally protected Aboriginal or treaty rights that may be impacted by the transit project and the nature of the potential impact.
- Suggest mitigation measures, including modifications to the transit project that could address their concerns.
- Respond to attempts to address their concerns and suggestions, and to try to reach some mutually satisfactory solution.

5.2.2 Regulatory agencies

Persons who may be interested in a transit project include regulatory agencies. Regulatory agencies include provincial ministries and agencies, municipal agencies, and federal authorities. Regulatory agencies can provide valuable input to a proponent by identifying requirements; sharing knowledge and guidance on issues within their mandate; and, reviewing relevant information. It is expected that proponents will involve the appropriate regulatory agencies early in their planning and before starting the transit project assessment process.

It is expected that regulatory agencies who indicate an interest in a transit project will:

- Provide information and guidance in a timely manner and within their mandated areas of responsibility about matters that a proponent should consider e.g. statutory requirements, policies, standards, potential environmental criteria.
- Participate in the transit project assessment process where possible.
- Provide specific advice as early as possible if there are concerns with the transit project or the proponent's Environmental Project Report, including identifying how the concerns can be addressed or what additional information or study may be necessary.
- Participate in the review of both draft and final Environmental Project Report where possible.
- Where there are no concerns with a transit project, consider providing a statement of no concern to the proponent.

- Consider submitting objections to the transit project to the Minister within the 30-day Environmental Project Report review period if outstanding concern(s) on the basis that potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right still exist.

5.3 Ministry of the Environment

Staff from a number of offices of the ministry are involved in various ways leading up to and during the transit project assessment process. Proponents must be in contact with both the Branch and the appropriate regional office of the ministry.

Environmental Assessment and Approvals Branch

One of the Branch's principal responsibilities is to administer the *Environmental Assessment Act* and to provide information and guidance about its requirements to allow proponents and the Minister to make informed decisions.

Specific responsibilities for Branch staff in the transit project assessment process include:

- Acting as the one-window for transit projects following the transit project assessment process.
- Providing information and guidance about the requirements of the Transit Projects Regulation.
- Providing information and guidance about other ministry environmental legislation, regulations, and procedures to proponents and interested persons.
- Informing and providing proponents with the opportunity to comment on objections.
- Reviewing and evaluating objections to transit projects that are received by the ministry.
- Coordinating the ministry's regional noise, air and vibration technical comments.
- Maintaining a public record of information for transit projects that the ministry receives a Notice of Commencement.
- Taking appropriate actions with respect to compliance by the proponent with any requirements that may be imposed by the Minister as a condition of proceeding with a transit project.
- Monitoring with respect to the Transit Projects Regulation.

Ministry Regional Office

The transit project assessment process also requires that proponents contact the appropriate regional office of the ministry. The ministry's five regional offices (refer to Appendix D for locations and contact information) administer and deliver province-wide programs to protect air quality, protect surface and ground water quality and quantity, manage the disposal of wastes, ensure an adequate quality of drinking water, and control the use of pesticides. Regional environmental assessment coordinators manage the ministry's technical review, ensuring that concerns specific to the ministry's mandate are provided to the proponent to be addressed. As part of the transit project assessment process, the appropriate regional environmental assessment coordinator will:

- Coordinate the ministry's regional and district comments on technical issues such as air, water, contaminated sites, and other matters that fall within the ministry's mandate, jurisdiction or areas of interest while taking into account relevant ministry legislation, policies, standards, guidelines.
- Provide suggestions to the proponent about contacting other regulatory agencies the proponent should contact if it is apparent, based on the proponent's available documentation for a transit project that another regulatory agency should be informed and consulted on a particular matter.
- Provide comments and input to the Branch within specified timelines on objections received.

This guide is designed to assist proponents and interested persons in proceeding under Ontario Regulation 231/08, Transit Projects and Greater Toronto Transportation Authority Undertakings.

Those interested in information about the regulation or other elements of Ontario's approach to environmental assessment should consult the Ministry of the Environment's website or contact the ministry at the address below.

Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5 Canada

Telephone: 416-314-8001
Toll Free: 1-800-461-6290
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca
Website: www.ene.gov.on.ca/en/eaab/index.php

In addition, the ministry has guidance materials for the following key elements of the environmental assessment framework in Ontario:

- Terms of reference
- Environmental assessments
- Class environmental assessments
- Consultation
- Mediation
- Coordinating federal and provincial environmental assessment requirements
- Electricity projects
- Waste management projects

Appendix A Statement of Completion Forms



Ontario

Ministry of
the Environment

Statement of Completion Transit Projects

Ce formulaire est disponible en français

For Office Use Only		
Reference Number	Date Submitted (yyyy/mm/dd)	Initials

General Information and Instructions

General:

The information provided on this form is collected under the authority of the Ministry of the Environment's Transit Project Assessment Process as prescribed under Ontario Regulation 231/08 of the *Environmental Assessment Act*.

Instructions:

- Questions regarding the completion and submission of this form should be directed to Client Services at the Environmental Assessment and Approvals Branch (416-314-8001 or 1-800-461-6290).
- Please send the completed form to: Ministry of the Environment
Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A, Toronto, ON M4V 1L5
Fax: 416-314-8452
- If additional space is needed, please attach a separate sheet.
- Please print or type all information clearly.

Proponent Information – For mailing address, complete A and C or B and C.

Proponent Name (legal name of organization)		Contact Name (First, Last)
Telephone Number (including area code and extension)	Fax Number (including area code)	E-Mail Address
Proponent Type <input type="checkbox"/> Municipal <input type="checkbox"/> Provincial <input type="checkbox"/> Federal <input type="checkbox"/> Other (describe): <input type="checkbox"/> Check here if more than one proponent (List name(s) of co-proponent(s). Attach completed and signed Additional Proponent Information form for each co-proponent) Name(s) of Co-proponent(s):		
A. Civic Address – Street Information (applies to an address that has civic numbering and includes street number, name, type and direction)		Unit Identifier (identifies type of unit, such as suite and number)
B. Delivery Designator <input type="checkbox"/> Rural Route <input type="checkbox"/> Suburban Service <input type="checkbox"/> Mobile Route <input type="checkbox"/> General Delivery		Delivery Identifier (a number identifying a Rural Route, Suburban Service or Mobile Route delivery mode)
C. Municipality/Unorganized Township	County/District	Province Postal Code

Project Information – If project is a building, complete A. If project is a linear facility, complete B.

Project Name	
A. Site Address – Street Information (applies to an address that has civic numbering and includes street number, name, type and direction)	Unit Identifier (identifies type of unit, such as suite and number)
Non-Address Information (includes any additional information to clarify physical project site location)	
B. Brief Project Description	

March 2009

Date Notice of Commencement distributed (yyyy/mm/dd) (date of first publication):	
Date Notice of Completion of Environmental Project Report given (yyyy/mm/dd) (date of first publication):	
Date Minister's Notice given (yyyy/mm/dd):	
Were any conditions imposed by the Minister?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were any notices to suspend the 120-day period given?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide number of days project timelines were suspended:
Were any objections submitted to the Minister?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was a Revised Environmental Project Report prepared?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date Revised Environmental Project Report submitted (yyyy/mm/dd): and date Minister's Notice given (yyyy/mm/dd):

Location of Public Available Documentation*

Civic Address – Street Information (applies to an address that has civic numbering and includes street number, name, type and direction)	<input type="checkbox"/> Same as Site Address	Unit Identifier (identifies type of unit, such as suite and number)
Municipality/Unorganized Township	County/District	Postal Code
Contact Name for information about project documentation (First, Last)	Telephone Number (including area code and extension)	
Website containing project documentation (if applicable)		

* Proponents are required to retain, either on site or in another location where they will be readily available, any publicly available pre-planning reports/information; Environmental Project Report; Revised Environmental Project Report; Addendum to Environmental Project Report; and all given or received notices and Statements of Completion prepared under the Transit Project Assessment Process, as well as documentation of any commitments made by the proponent to address concerns in any of the above-noted reports.

Statement of Proponent

I, the undersigned hereby declare that, to the best of my knowledge, the information contained in this Statement is complete and accurate and I have complied with the Transit Project Assessment Process requirements set out in Ontario Regulation 231/08 under the <i>Environmental Assessment Act</i> .	
I, the undersigned, intend to proceed with the above-noted project in accordance with the: (check only one)	
<input type="checkbox"/> Environmental Project Report <input type="checkbox"/> Environmental Project Report, subject to the conditions set out in a Minister's Notice <input type="checkbox"/> Revised Environmental Project Report	
I have the authority to bind the proponent.	
Name (please print)	Position Title
Signature	Signature Date (yyyy/mm/dd)



Ontario

Ministry of
the Environment

Statement of Completion Transit Projects Additional Proponent Information

General Information and Instructions

General:

The information provided on this form is collected under the authority of the Ministry of the Environment's Transit Project Assessment Process as prescribed under Ontario Regulation 231/08 of the *Environmental Assessment Act*.

Instructions:

- Questions regarding the completion and submission of this form should be directed to Client Services at the Environmental Assessment and Approvals Branch (416-314-8001 or 1-800-461-6290).
- Please print or type all information clearly.

Project Name

Proponent Information – For mailing address, complete A and C or B and C.

Proponent Name (legal name of organization)		Contact Name (First, Last)	
Telephone Number (including area code and extension)	Fax Number (including area code)	E-Mail Address	
Proponent Type <input type="checkbox"/> Municipal <input type="checkbox"/> Provincial <input type="checkbox"/> Federal <input type="checkbox"/> Other (describe):			
A. Civic Address – Street Information (applies to an address that has civic numbering and includes street number, name, type and direction)		Unit Identifier (identifies type of unit, such as suite and number)	
B. Delivery Designator <input type="checkbox"/> Rural Route <input type="checkbox"/> Suburban Service <input type="checkbox"/> Mobile Route <input type="checkbox"/> General Delivery		Delivery Identifier (a number identifying a Rural Route, Suburban Service or Mobile Route delivery mode)	
C. Municipality/Unorganized Township	County/District	Province	Postal Code

Statement of Proponent

I, the undersigned hereby declare that, to the best of my knowledge, the information contained in this Statement is complete and accurate and I have complied with the Transit Project Assessment Process requirements set out in Ontario Regulation 231/08 under the *Environmental Assessment Act*.

I, the undersigned, intend to proceed with the above-noted project in accordance with the: (check only one)

- ☐ Environmental Project Report
☐ Environmental Project Report, subject to the conditions set out in a Minister's Notice
☐ Revised Environmental Project Report

I have the authority to bind the proponent.

Name (please print)	Position Title
Signature	Signature Date (yyyy/mm/dd)

March 2009

Appendix B Notification Templates

(1) Notice That Project Will Proceed Template

<insert date this notice is given to the Ministry of the Environment>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

And

Director, <appropriate regional office of the Ministry of the Environment>
<regional office address>
<regional office fax or e-mail address>

Re: Notice to Proceed Under <choose either: Part II of the *Environmental Assessment Act* or approved class environmental assessment> for <insert Name of Transit Project, Name of Proponent(s)>

In accordance with subsection 2(6) of Ontario Regulation 231/08, <insert name of proponent(s)> does not want the exemption provided under this regulation to apply to the above-noted transit project.

<insert name of proponent(s)> intends to follow <choose either the “individual” environmental assessment process under Part II of the *Environmental Assessment Act* or the class environmental assessment process under an approved class environmental assessment – provide name of class environmental assessment document> for <insert name of transit project>.

A copy of this notice has also been posted on the project website <provide website address>.

If you have any questions or need further information about this transit project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(2) Template for Contacting Director, Environmental Assessment and Approvals Branch

<insert date>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

Re: Request for List of Bodies That May Assist in Identifying Aboriginal Communities for
<insert Name of Transit Project, Name of Proponent(s)>

The <insert name of proponent(s)> is conducting pre-planning activities/proposing a <name of transit project>.

<include brief project description, and where available indicate area of study or map of project site>

It is expected that <insert name of proponent(s)> will follow Ontario Regulation 231/08 (Transit Projects Regulation) for this proposal/project.

In accordance with subsection 7(4) of Ontario Regulation 231/08, the <insert name of proponent(s)> is requesting the list of bodies that may assist us in identifying and contacting Aboriginal communities that may be interested in the above-noted transit project. The <insert name of proponent(s)> will contact those bodies you identify and ask that these bodies identify specific Aboriginal communities that should be consulted.

If you have any questions or need further information about this transit project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(3) Notice of Commencement of Transit Project Assessment Process Template

Notice of Commencement of Transit Project Assessment Process <insert Name of Transit Project, Name of Proponent>

The Project

The <name of proponent(s)> is proposing <provide physical description of all components of transit project, including a site map>. The purpose of <describe purpose of transit project>.

<provide additional pertinent information e.g. pre-planning studies carried out in support of the transit project, if any>

The Process

The environmental impact of this transit project will be assessed according to the transit project assessment process as prescribed in Ontario Regulation 231/08, Transit Projects and Greater Toronto Transportation Authority Undertakings. As part of the transit project assessment process, an Environmental Project Report is being prepared. All information produced as part of this project is available at <provide website address for viewing all transit project-related information, for example, posting all notices distributed; preliminary studies, environmental studies, impact analyses carried out; summaries of publicly available documents; etc.>

<identify other locations where all information and documents related to the project are available, for example, proponent office, project site, libraries>

Consultation

Members of the public, agencies and other interested persons are encouraged to participate actively in the transit project assessment process by attending consultation opportunities or contacting staff directly with information, comments or questions. Consultation opportunities are planned <if known, indicate purpose, number, timing and nature of additional public contacts> and will be advertised <identify how – for example, on a project website, local newspapers, direct mail out>.

<provide additional relevant information, for example, timing for an upcoming consultation event; seeking input, information, knowledge about the local community, environmental conditions; alternatives being investigated; draft Environmental Project Report has been prepared>

If you would like to be added to our project mailing list or have project-related questions, please contact:

<provide proponent(s) and/or consultant contact information>

Under the *Freedom of Information and Protection of Privacy Act* and the *Environmental Assessment Act*, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in a submission will become part of the public record files for this matter and will be released, if requested, to any person.

<insert date this notice is first published/distributed>

(4) Notice of Issue Template

<insert date this notice is given to the Ministry of the Environment>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

And

Director, **<appropriate regional office of the Ministry of the Environment>**
<regional office address>
<regional office fax or e-mail address>

Re: Notice of Issue for **<insert Name of Transit Project, Name of Proponent(s)>**

The **<name of transit project>** is following the transit project assessment process as prescribed in Ontario Regulation 231/08. **<name of proponent(s)>** is of the opinion that this transit project may have a negative impact on **<describe the matter(s) of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right>**.

Under subsection 10(1) of Ontario Regulation 231/08, if a notice of issue is given, the 120-day consultation period stops running and will resume when the above-noted issue(s) have been addressed and a notice of resumption has been provided to you.

A copy of this notice of issue has also been posted on the project website **<provide website address>**.

If you have any questions or need further information about this transit project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(5) Notice of Resumption Template

<insert date this notice is given to the Ministry of the Environment>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

And

Director, **<appropriate regional office of the Ministry of the Environment>**
<regional office address>
<regional office fax or e-mail address>

Re: Notice of Resumption for **<insert Name of Transit Project, Name of Proponent(s)>**

Further to our notice of issue **<provide date when notice of issue was given>**, indicating that a time out from the 120-day consultation period was being taken for this transit project, this notice is to advise you that we will be resuming the transit project assessment process. As required under Ontario Regulation 231/08, the date by which the Notice of Completion of the Environmental Project Report for this project must be given has been extended to **<provide new date of when notice must be given on or before>**.

<describe issue or matter of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right>

<describe what actions were taken to deal with the issue and the results of those efforts>

A copy of this notice of resumption has also been posted on the project website **<provide website address>**.

If you have any questions or need further information about this transit project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(6) Notice of Completion of Environmental Project Report Template

Notice of Completion of Environmental Project Report <insert Name of Transit Project, Name of Proponent(s)>

The Project

The <name of proponent(s)> has completed an Environmental Project Report in accordance with Ontario Regulation 231/08 for <name of transit project>.

<provide physical description of all components of transit project>
<insert site map>

The Process

The environmental impact of this transit project was assessed and an Environmental Project Report prepared according to the transit project assessment process as prescribed in Ontario Regulation 231/08, Transit Projects and Greater Toronto Transportation Authority Undertakings.

The Environmental Project Report for <name of transit project> is now available for a 30-day review period starting <insert date> at the following locations:

1. Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A, Toronto, Ontario M4V 1L5
416-314-8001/1-800-461-6290 Monday to Friday 8:30 am – 5:00 pm
2. Ministry of the Environment regional and/or district office closest to project site
3. Proponent's office
4. Other public viewing locations (for example, municipal offices, libraries, project site)
5. Website address where the Environmental Project Report is posted

There are circumstances where the Minister of the Environment has the authority to require further consideration of the transit project, or impose conditions on it. These include if the Minister is of the opinion that:

- The transit project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
- The transit project may have a negative impact on a constitutionally protected Aboriginal or treaty right.

Before exercising the authority referred to above, the Minister is required to consider any written objections to the transit project that he or she may receive within 30 days after the Notice of Completion of the Environmental Project Report is first published.

Interested persons are encouraged to review this document and provide comments by <insert date>. Comments and concerns may be directed to the project contacts listed below. If you have unresolved concerns, you have the right to submit an objection to this transit project to the Minister of the Environment no later than <insert date> (135 St. Clair Avenue West, 12th Floor, Toronto, Ontario M4V 1P5, Fax: 416-314-7337, E-mail: Minister.moe@ontario.ca Attention: Minister of the Environment). Although not required, a copy of the objection is requested to be forwarded to the Director and project contacts listed below.

For further information on the proposed transit project, please contact:

<insert proponent and/or consultant contact information>

Under the *Freedom of Information and Protection of Privacy Act* and the *Environmental Assessment Act*, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in a submission will become part of the public record files for this matter and will be released, if requested, to any person.

<insert date this notice is first published/distributed>

(7) Notice of Objection Template

<insert date this notice is given to the Ministry of the Environment>

VIA E-MAIL <OR VIA FACSIMILE>

Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario M4V 1P5
Fax: 416-314-7337
E-mail: Minister.moe@ontario.ca

Re: Notice of Objection for **<insert Name of Transit Project, Name of Proponent(s)>**

This notice is to inform you that I am objecting to the environmental impact assessment conducted by **<insert name of proponent(s)>** for **<name of transit project>**.

<describe why you are objecting to the transit project>

<objections should be based on proponent not addressing a potential negative impact(s) on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest, or the transit project may have a negative impact on a constitutionally protected Aboriginal or treaty right>

<describe/list how you have participated in the transit project assessment project for the transit project>

<describe how the proponent responded or did not respond to your concerns>

<if available, append documentation of your participation/involvement in the transit project assessment process for this project>

Yours truly,

<objector signature>

<name and address of objector>

c: Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

<insert proponent(s) contact information>

(8) Notice of Withdrawal of Objection Template

<insert date this notice is given to the Ministry of the Environment>

VIA E-MAIL <OR VIA FACSIMILE>

Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario M4V 1P5
Fax: 416-314-7337
E-mail: Minister.moe@ontario.ca

Re: Notice of Withdrawal of Objection for **<insert Name of Transit Project, Name of Proponent(s)>**

This notice is to inform you that further to my objection dated **<insert date of notice of objection>**, I am withdrawing my objection to the **<name of transit project>**.

The **<insert name of proponent(s)>** has responded to and addressed my concerns.

Yours truly,

<objector signature>

<name and address of objector>

c: Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

<insert proponent(s) contact information>

(9) Notice of Termination Template

<insert date this notice is given to the Ministry of the Environment>

Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Fax: 416-314-8452
E-mail: eaabgen.moe@ontario.ca

And

Director, **<appropriate regional office of the Ministry of the Environment>**
<regional office address>
<regional office fax or e-mail address>

Re: Notice of Termination of the Transit Project Assessment Process for **<insert Name of Transit Project>**

The **<name of transit project>** is following/has followed the transit project assessment process as prescribed in Ontario Regulation 231/08.

The statement of completion for this transit project has not been submitted to the Ministry of the Environment.

<describe what step the transit project is in or has completed, for example, in 120-day consultation phase; Notice of Completion of Environmental Project Report has been given; notice of Revised Environmental Project Report has been given>

In accordance with subsection 6(3) of Ontario Regulation 231/08, we wish to terminate the transit project assessment process for **<name of transit project>**. However, in accordance with subsection 6(4), termination of the transit project assessment process for this transit project does not preclude **<insert name of proponent(s)>** from restarting the process again.

A copy of this notice of termination has also been posted on the project website **<provide website address>**.

If you have any questions or need further information about this transit project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(10) Notice of Environmental Project Report Addendum Template

Notice of Environmental Project Report Addendum <insert Name of Transit Project, Name of Proponent>

The Project

In accordance with Ontario Regulation 231/08, <name of proponent(s)> conducted an environmental impact assessment of <name of transit project>. An Environmental Project Report for this transit project was completed <insert date of Notice of Completion of Environmental Project Report> and a Statement of Completion submitted to the Ministry of the Environment on <insert date>.

<describe transit project>

<describe the change(s) to the transit project>

<provide reasons for the change(s)>

<insert site map relevant to the change(s) to the transit project>

The Process

An addendum to the Environmental Project Report for <name of transit project> has been prepared and is now available for a 30-day review period starting <insert date> at the following locations:

1. Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A, Toronto, Ontario M4V 1L5
416-314-8001/1-800-461-6290 Monday to Friday 8:30 am – 5:00 pm
2. Ministry of the Environment regional and/or district office closest to project site
3. Proponent's office
4. Other public viewing locations (for example, municipal offices, libraries, project site)
5. Website address where the Environmental Project Report Addendum is posted

There are circumstances where the Minister of the Environment has the authority to require further consideration of the change to the transit project, or impose conditions on it. These include if the Minister is of the opinion that:

- The change to the transit project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
- The change to the transit project may have a negative impact on a constitutionally protected Aboriginal or treaty right.

Before exercising the authority referred to above, the Minister is required to consider any written objections to the change to the transit project that he or she may receive within 30 days after the Notice of Environmental Project Report Addendum is first published.

Interested persons are encouraged to review this document and provide comments by <insert date>. Comments and concerns may be directed to the project contacts listed below. You have the right to submit an objection to the identified change to the transit project to the Minister of the Environment no later than <insert date> (135 St. Clair Avenue West, 12th Floor, Toronto, Ontario M4V 1P5, Fax: 416-314-7337, E-mail: Minister.moe@ontario.ca Attention: Minister of the Environment). Although not required, a copy of the objection is requested to be forwarded to the Director and project contacts listed below.

For further information on the proposed change to the transit project, please contact:

<insert proponent and/or consultant contact information>

Under the *Freedom of Information and Protection of Privacy Act* and the *Environmental Assessment Act*, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in a submission will become part of the public record files for this matter and will be released, if requested, to any person.

<insert date this notice is first published/distributed>

Appendix C Information about federal requirements under the Canadian Environmental Assessment Act

Table 5 is to be read in conjunction with Table 6 and the information in section 4.5 (see page 42 in this guide) on federal environmental assessment requirements. Table 5 is not all-inclusive. It is the duty of the federal responsible authority to confirm the application of the *Canadian Environmental Assessment Act* and to determine the scope of assessment that is to be conducted. Proponents are therefore encouraged to contact potential responsible authorities early in the process.

Table 5: Potential federal environmental assessment triggers for transit projects

Potential Project Trigger	Provisions of Federal Statutes(s)	Responsible Authority	Comments
Is being funded with federal money	Canadian Environmental Assessment Act s.s. 5(1)b	The funding department	<ul style="list-style-type: none"> The Canadian Environmental Assessment Act is triggered where federal money is being provided
Is on federal land	Canadian Environmental Assessment Act s.s. 5(1)c	Federal department responsible for the implicated lands	<ul style="list-style-type: none"> This would affect projects crossing federal lands such as national parks (Parks Canada), Aboriginal reserves (Indian and Northern Affairs Canada) or national defence bases (Department of National Defence)
Is likely to affect a facility regulated by the National Energy Board e.g. oil or gas pipeline	National Energy Board Act, s. 52, 58 and 74	National Energy Board	<ul style="list-style-type: none"> May apply to projects requiring the relocation of a facility that is regulated by the National Energy Board
Is likely to affect the operation of a railway company or property	Canadian Transportation Act	Transport Canada, Canadian Transportation Agency	<ul style="list-style-type: none"> Generally will apply to projects where a rail line crossing is contemplated
Involves the temporary storage of explosives on-site	Explosives Act, par. 7(1)a	Natural Resources Canada	<ul style="list-style-type: none"> Projects which involve blasting and will store the explosives on-site require a permit under the Explosives Act
Is likely to harmfully affect fish or fish habitat	Fisheries Act, s.s. 22(1), 22(2), 22(3), 32, 35(2) and 37(2)	Fisheries and Oceans Canada	<ul style="list-style-type: none"> Authorization is required to harmfully alter, disrupt or destroy fish habitat Applies to any work in or near water

Potential Project Trigger	Provisions of Federal Statutes(s)	Responsible Authority	Comments
Is likely to substantially interfere with the public right to navigation	Navigable Waters Protection Act, s.s. 5(1)(a), 6(4), 16 and 20	Transport Canada	<ul style="list-style-type: none"> • Applies to any work in, on, over, under, through, or across navigable water • Approval is required for a new bridge, boom, dam or causeway, including culverts • Other works that cause changes to flows, water levels or navigation clearances may require approval
Is likely to take place in, involve dredge and fill operations, draw water from or discharge to a historic canal operated by Parks Canada	Public Lands Licensing Order Historic Canals Regulations	Parks Canada	<ul style="list-style-type: none"> • Potentially triggered by projects crossing the Trent Severn Waterway and Rideau Canal • Canal Land Regulations and Public Lands Licensing Order address drainage into a canal e.g. stormwater drains • Historic Canals Regulations address dredge and fill activities e.g. construction of bridge piers
Is likely to affect First Nation reserve lands	Indian Act, s.s. 28(2), 35(1), 35(2) and 39	Indian and Northern Affairs Canada	<ul style="list-style-type: none"> • Applies to projects that are located on, or require access through, First Nation reserves

Table 6: Identifying expert federal authorities

Environmental Issues	Expert Federal Authorities
1. Environmental effects (from definition of "environment" in the <i>Canadian Environmental Assessment Act</i>)	
a) Changes in the environment	
• General	Environment Canada
• Air	Environment Canada
• Land	Environment Canada Natural Resources Canada
• Wildlife	Environment Canada
• Fish and fish habitat	Fisheries and Oceans Canada
• Soil	Agriculture and Agri-Food Canada
• Forest resources	Natural Resources Canada
• Humans	Health Canada
• Water	Environment Canada Fisheries and Oceans Canada Natural Resources Canada
• Species at risk	Environment Canada Fisheries and Oceans Canada
b) Related changes in:	
• Sustainable use	Environment Canada
• Human health conditions	Health Canada
• Socio-economic conditions	Agriculture and Agri-Food Canada Environment Canada Health Canada Indian and Northern Affairs Canada Industry Canada Natural Resources Canada
• Cultural resources	Canadian Heritage Indian and Northern Affairs Canada
• Aboriginal land and resource use	Indian and Northern Affairs Canada
• Historical, archaeological, paleontological and architectural resources	Canadian Heritage Natural Resources Canada Public Works and Government Services Canada
• Management of protected areas – national parks, national historic sites, historic rivers and heritage canals	Parks Canada
2. Canadian Environmental Assessment Act process and procedures	Canadian Environmental Assessment Agency
3. International environmental issues	Foreign Affairs and International Trade Canada Canadian International Development Agency
4. International crossings and projects	Canada Border Services Agency Citizenship and Immigration Canada Foreign Affairs and International Trade Canada

Appendix D Regional/District/Area Offices of the Ministry of the Environment

The regional/district/area offices are responsible for delivering programs to protect air quality, protect surface and ground water quality and quantity, manage the disposal of wastes, ensure an adequate quality of drinking water, and control the use of pesticides.

Below is location and contact information for each region and associated district/area offices (see also www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist).

Central Region

Ministry of the Environment
Central Region Office
5775 Yonge St.
8th Floor
North York ON M2M 4J1
Toll free: 1-800-810-8048
Tel: 416-326-6700
Fax: 416-325-6345

Barrie District Office
54 Cedar Pointe Dr., Unit 1203
Barrie ON L4N 5R7
Toll free: 1-800-890-8511
Tel: 705-739-6441
Fax: 705-739-6440

Halton-Peel District Office
4145 North Service Road, Suite 300
Burlington ON L7L 6A3
Toll free: 1-800-335-5906
Tel: 905-319-3847
Fax: 905-319-9902

Toronto District Office
5775 Yonge St., 8th Floor
North York ON M2M 4J1
Toll free: 1-800-810-8048
Tel: 416-326-6700
Fax: 416-325-6346

York-Durham District Office
230 Westney Rd. S., 5th Floor
Ajax ON L1S 7J5
Toll free: 1-800-376-4547
Tel: 905-427-5600
Fax: 905-427-5602

Eastern Region

Ministry of the Environment
Kingston Regional Office
1259 Gardiners Road
Box 22032
Kingston ON K7M 8S5
Toll free from area codes
613/705/905: 1-800-267-0974
Tel: 613-549-4000
Fax: 613-548-6908

Belleville Area Office
345 College St. E.
Belleville ON K8N 5S7
Toll free from area code 613: 1-800-860-2763
Tel: 613-962-9208
Fax: 613-962-6809

Cornwall Area Office
113 Amelia St.
Cornwall ON K6H 3P1
Toll free from area code 613: 1-800-860-2760
Tel: 613-933-7402
Fax: 613-933-6402

Kingston District Office
1259 Gardiners Road
Box 22032
Kingston ON K7M 8S5
Toll free from area codes 613/705/905: 1-800-267-0974
Tel: 613-549-4000 extension 2692
Fax: 613-548-6920

Ottawa District Office
2430 Don Reid Drive
Ottawa ON K1H 1E1
Toll free: 1-800-860-2195
Tel: 613-521-3450
Fax: 613-521-5437

Peterborough District Office
300 Water Street, Robinson Place
Peterborough ON K9J 8M5
Toll free from area codes 613/705/905: 1-800-558-0595
Tel: 705-755-4300
Fax: 705-755-4321

Northern Region

Ministry of the Environment
Thunder Bay Regional Office
435 James St. S.
Suite 331, 3rd Floor
Thunder Bay ON P7E 6S7
Toll free from area codes
705/807: 1-800-875-7772
Tel: 807-475-1205
Fax: 807-475-1754

Kenora Area Office
808 Robertson St.
P. O. Box 5150
Kenora ON P9N 3X9
Toll free from area code 807: 1-888-367-7622
Tel: 807-468-2718
Fax: 807-468-2735

North Bay Area Office
191 Booth Road, Unit 16 & 17
North Bay P1A 4K3
Toll free: 1-800-609-5553
Tel: 705-497-6865
Fax: 705-497-6866

Sault Ste. Marie Area Office
289 Bay Street, 3rd Floor
Sault Ste. Marie ON P6A 1W7
Tel: 705-942-6354
Fax 705-942-6327

Sudbury District Office
199 Larch St., Suite 1201
Sudbury ON P3E 5P9
Toll free from area codes 705/807: 1-800-890-8516
Tel: 705-564-3237
Fax: 705-564-4180

Thunder Bay District Office
435 James St. S., Suite 331
Thunder Bay ON P7E 6S7
Toll free from area code 705/807: 1-800-875-7772
Tel: 807-475-1315
Fax: 807-475-1754

Timmins District Office
Ontario Government Complex
Hwy 101 East
P.O. Bag 3080
South Porcupine ON P0N 1H0
Toll free from area codes 705/807: 1-800-380-6615
Tel: 705-235-1500
Fax: 705-235-1520

Southwestern Region

Ministry of the Environment
London Regional Office
733 Exeter Road, 2nd Floor
London ON N6E 1L3
Toll free from area code 519:
1-800-265-7672
Tel: 519-873-5000
Fax: 519-873-5020

London District Office
733 Exeter Road
London ON N6E 1L3
Toll free from area code 519: 1-800-265-7672
Tel: 519-873-5000
Fax: 519-873-5020

Owen Sound District Office
1580-20th St. E., P.O. 967
Owen Sound ON N4K 6H6
Toll free from area code 519: 1-800-265-3783
Tel: 519-371-2901
Fax: 519-371-2905

Sarnia District Office
1094 London Rd.
Sarnia ON N7S 1P1
Toll free: 1-800-387-7784
Tel: 519-336-4030
Fax: 519-336-4280

Windsor Area Office
4510 Rhodes Drive, Unit 620
Windsor ON N8W 5K5
Toll free: 1-800-387-8826
Tel: 519-948-1464
Fax: 519-948-2396

West Central Region

Ministry of the Environment
Hamilton Regional Office
119 King St. W., 12th Floor
Hamilton ON L8P 4Y7
Toll free: 1-800-668-4557
Tel: 905-521-7640
Fax: 905-521-7820

Guelph District Office
1 Stone Road W.
Guelph ON N1G 4Y2
Toll free: 1-800-265-8658
Tel: 519-826-4255
Fax: 519-826-4286

Hamilton District Office
119 King St. W., 9th Floor
Hamilton ON L8P 4Y7
Toll free: 1-800-668-4557
Tel: 905-521-7650
Fax: 905-521-7806

Niagara District Office
301 St. Paul St., 9th Floor
St. Catharines ON L2R 3M8
Toll free: 1-800-263-1035
Tel: 905-704-3900
Fax: 905-704-4015